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**SPECIAL SENATE INVESTIGATION ON CHARGES
AND COUNTERCHARGES INVOLVING: SECRETARY OF THE ARMY ROBERT T. STEVENS, JOHN G. ADAMS, H. STRUVE HENSEL AND SENATOR JOE McCARTHY, ROY M. COHN, AND FRANCIS P. CARR**

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HEARINGS

BEFORE THE

**SPECIAL SUBCOMMITTEE ON
INVESTIGATIONS OF THE COMMITTEE ON
GOVERNMENT OPERATIONS
UNITED STATES SENATE**

EIGHTY-THIRD CONGRESS

SECOND SESSION

PURSUANT TO

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Eut. 2/19/58

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HENSEL AND SENATOR JOE McCARTHY, ROY M. COHN,
AND FRANCIS P. CARR

(The minutes of the executive session of the Senate Permanent Subcommittee on Investigations held on March 16, 1954, were made public by the members of the subcommittee on May 12, 1954, and follow below:)

TUESDAY, MARCH 16, 1954

UNITED STATES SENATE,
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE
COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D. C.

The subcommittee met at 10:30 a. m., pursuant to notice, in executive session, in room 357 of the Senate Office Building, Senator Joseph R. McCarthy (chairman of the subcommittee) presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin; Senator Karl E. Mundt, Republican, South Dakota; Senator Everett McKinley Dirksen, Republican, Illinois; Senator Charles E. Potter, Republican, Michigan; Senator John L. McClellan, Democrat, Arkansas; Senator Henry M. Jackson, Democrat, Washington; and Senator Stuart Symington, Democrat, Missouri.

The CHAIRMAN. The committee will be in order.

This committee meeting was called at the request of Senator Potter to go into the subject of the matter of our chief counsel and legal counsel for the Army, Mr. Adams. I am inclined to think that I should not sit as chairman during any of the discussions of this, because I frankly have been going into this for months, and I have made up my mind, and I am convinced that Cohn exerted no pressure to get any special consideration; and I am convinced that Adams, with perhaps no evil intent at all, tried to pressure both the staff and the chairman out of continuing the investigation of subversives in the Army.

I think the committee may consider me a necessary witness if you decide to hold hearings on this, and for that reason, if there are no objections, I will appoint the next senior Republican as the acting chairman during any consideration of the Cohn-Adams matter. Is that agreeable to everybody?

In that case, Senator Mundt, will you take the chair?

(At this point Senator Mundt assumed the chair.)

Senator MUNDT. Senator Dirksen?

Senator DIRKSEN. Do you want all of this discussion on the record?

Senator McCLELLAN. I think so, and I would put everything on the record. We have a thing here of sufficient national interest that I think then you can refer to the record if somebody says, "Well, I didn't understand it that way, or this way." I think, gentlemen, it is well to have a record of it.

Senator MUNDT. Could we have an understanding that the record will not be released short of a majority vote of the subcommittee?

Senator McCLELLAN. All I am thinking of is that you get these misunderstandings, and let us try to avoid it.

Senator MUNDT. I agree.

Senator McCLELLAN. That is the only thing I want the record for.

Senator MUNDT. Are we all agreed that the record will be kept by the reporter, but will not be released to the press without a majority vote of our subcommittee?

Senator McCLELLAN. I so move.

Senator POTTER. Second the motion.

Senator MUNDT. Without objection, that motion will prevail unanimously.

May your temporary chairman express the hope that whatever decisions we make in this regard, because the charges and counter-charges are pretty serious, that we endeavor to do our best to arrive at a unanimous decision how we proceed, because I think the country will be very unhappy, and the public interest would not be well served if we arrive at a lot of split decisions on matters of veracity and matters of this significance.

Now, Senator Potter.

Senator POTTER. What I am saying is this: That during the past week some serious charges were made by the Army concerning certain members of our staff upon which, if true, the committee would have to take, I believe, immediate action. However, if they are not true, the facts should be brought to the attention of the Secretary of Defense and action should be taken in the Department of the Army. The only way we can effectively and honestly report to the American people the truth is to get the facts in the case.

That is the reason I asked for an executive session, so that the committee can assume its responsibility rather than to have statements made hither and yon, and to assume the responsibilities we have as individual Senators.

If the charges are not true, in all justice to Mr. Cohn and other members of the staff, the public should know that. If they are true, then the committee has a responsibility to clean its own house. That is the purpose of calling for the hearing, and I am happy that we are meeting on it today. I think that it is a question which we cannot prolong. We have got to meet it, and to meet it head-on.

Senator McCARTHY. May I make my position absolutely clear, if the committee were convinced that any member of the staff tried to get special consideration for anyone in the military, while we are investigating the military, that would be grossly improper conduct, and such staff member would of necessity have to be removed. I just want to make my position clear.

The reason I have taken the position that I have is because I have been a part of this, and I have watched it develop, and I am firmly

convinced that there was no attempt to get any special consideration for Mr. Schine.

That is up to every member of the committee to decide after they have gone into all of the facts thoroughly.

Senator PORTER. I would like to make this further suggestion, Mr. Chairman, and I do not know whether it is necessary or not, but if for this particular hearing it is necessary to have outside counsel, I would suggest we consider counsel from the Department of Justice on a loan basis; and possibly, if investigators are needed, to secure a couple of investigators from the FBI. That is my suggestion. I am offering that, not as a motion, but as a suggestion to be discussed by the members.

Senator MUNDT. The Chair hopes that we can proceed for a while on the basis of offering suggestions rather than having motions, until we get around to get a consensus of opinion.

Senator McCLELLAN. Let me get one thing clear, if I may, Mr. Chairman.

Joe, do I understand that for the purposes of this investigation, to whatever extent it may go, you are relinquishing the chair to Senator Mundt as chairman to preside over all proceedings pertaining to this investigation and inquiry into these charges?

Senator McCARTHY. That is correct; yes.

Senator McCLELLAN. I thought that that was what you meant, and I wanted to be clear.

I assume, then, the purpose of this meeting of the committee is to have a discussion among all of the members, an open discussion, and see if we can arrive at a committee program for the handling of this unfortunate controversy.

Senator MUNDT. It is my thought—and I know nothing more about this than you do; I was not a candidate for this position that I hold—

Senator McCLELLAN. We all know that. The duty devolves upon us sometimes.

Senator MUNDT. My thought was if we could this morning work out an agreeable procedure for all of us as to how to approach this very distasteful job, we would have made some real progress, if we can devote our discussions now to those ideas that would be worth while.

Senator McCLELLAN. There are two things that I want to suggest, Mr. Chairman. The first one is that I think this is of such importance that it should be the responsibility of the full Committee on Government Operations. The subcommittee is an arm of the full committee, and the only authority that this subcommittee has is that delegated to it by the full committee. I believe this is of that major importance that the full committee should conduct any hearings.

The second thing I want to suggest is that all testimony regarding this matter be taken in public hearings. I do not want, and I think it is of vital importance to this committee and to the Congress, any secret sessions or the taking of testimony in executive session.

The charges are out in the open, open to the public, and they have been made. It is not a case of preparing for an investigation, and the necessity for it has already been pointed up. I think that the public will probably react with a measure of suspicion if we start holding executive sessions to take testimony. I want to throw that

out, these two things, as a suggestion in the beginning of this conference.

Senator POTTER. You would not even consider executive sessions in the preliminary stage?

Senator McCLELLAN. I would consider executive sessions at all times to discuss procedure and policy of the committee, and those things; but the taking of testimony, I believe all of it should now be in the open.

Senator McCARTHY. May I say that the procedure up until now, in all of the investigations, has been to hold executive hearings first, and then if the committee decides that the material is of such nature that it should be made public, public sessions are held. I do not have any particular feelings one way or the other in this case, but I just want to point out that we have in the past always first held executive sessions.

Senator McCLELLAN. May I say, Mr. Chairman of the full committee, and permanent chairman of the subcommittee, I think that that is true, and I think it is a good practice and generally should be followed in the ordinary procedures of trying to make a preliminary investigation to determine whether you should hold public hearings or whether the witness should be called in public hearings. But this is already out in the open, and it is a national issue today, and I think that you would be opening yourself or exposing yourself to probably unjustified criticism if you do not take all of this testimony right out in public.

Senator SYMINGTON. I agree to that.

Senator McCLELLAN. I may be mistaken, and I am not thinking of self; I am thinking in terms of the whole committee.

Senator MUNDT. Is it not possible, John, that we might, as you run into this thing, come across some witnesses that we do not know what they are going to say, and perhaps we ought to have executive sessions. Adams is going to be a witness, and Cohn is going to be a witness, and they can well testify in public. But as I have gone through these reports, there are quite a few other names mentioned there that may or may not become witnesses, and we might or might not want to have open hearings.

Senator McCLELLAN. We can inquire of these witnesses what their testimony will be, just like you are going out to prepare a lawsuit, and we will know what we will want to produce or not to produce. But if you ever start taking testimony on this issue behind closed doors, and a little part of it leaking out here and another part of it leaking out there, you are going to bring this committee into disrepute before the bar of public opinion, in my judgment.

Senator DIRKSEN. Mr. Chairman, let me offer just a general observation. Of course, I try to be mindful, always, of the function and the purpose of the committee and the work that it has done in the past. It has done splendid work, and I think it has a very useful function that has to be carried on. Of course, when a controversy arises where you lose a substantial segment of public confidence, then the committee has to review its own procedures and review controversies, and ascertain what can be done to reestablish the credibility and the public confidence that is necessary in the case of any committee that has a useful and constructive function. So from that broad base, you start.

The very first question that recurs is this: In seeking to effectuate that purpose, shall we have a hearing on this matter, whether public or private, in the face of charges, supported and unsupported, that have been made and that have filled the air? And to what degree is it conducive toward reestablishing the committee in the complete good grace of the public?

Now, certain it is that if you have a public hearing of all of the matters that have been alleged and asserted one way or another, they are going to be ventilated in the press and on the radio and on television. Does it take us further from the mark, or does it bring us back closer to what we seek to achieve?

To be sure, the statements that have been made from one end and from another have not been under oath. Certainly it has not been strange in the lexicon of the legislative branch of Government that that happens from time to time. I am not insensible of the fact that questions will be raised just like they were raised outside the door a moment ago, Would you leave the Army under a cloud and would you leave Mr. Cohn under a cloud?

Well, I can see that quite all right, but the question is: Do we constantly drift further from the mark in an atmosphere that is surcharged with a good deal of emotionalism, and find ourselves in a position where we forfeit more and more of the public confidence, so that our usefulness will be very sadly impaired?

So I think the first problem is: Is this going to have any ventilation at all? Or are we simply going to say, "All right, everybody has had his say in public. Let us forget about it and start with a clean page."

Would a public hearing, or even a private hearing, accomplish anything in getting this thing back into focus and into proper perspective? I have grave doubts about it. I think by the time you got over the whole agenda of witnesses that might have to be heard, we would have to give several weeks to this business. When it was all through, we certainly would not have been pursuing the basic purposes and objectives of the committee. This is something in the nature of a digression that would have to be cleaned up. But we might be further away from the mark to which we ought to direct our attention. So that is the first question.

Then, of course, there are corollary questions. If we favor or if we decide that we just as well let the whole matter drop and get about the business to which a committee is assigned under the Senate rules, then what do we do about our rules of procedure, and what do we do about our staff?

I think Joe will concur in this, that we did agree—and this is no secret out of school—we did agree in a conference, not a committee meeting, last Thursday that we would examine into this 34-page document that had been submitted, and that we would put the chief counsel under oath and see what the responses were, and then have the record ready for whatever use might be made of it. For reasons that do not have to be discussed now, the meeting did not eventuate. So the question is: Do we now, in view of television appearances by Mr. Cohn, and in view of the fact that the document itself has been published, I suppose, verbatim in many newspapers—do we now ventilate this whole matter once more under oath?

Now this I want to say off the record, if you don't mind.

Senator MUNDT. I think we should—since I envision the fact that all of this record ultimately probably will be published, in line with what John has said about the intense public interest—I think we should keep in mind that this may by majority vote be published, and if anybody wants to speak off the record, the Chair will give him that right unless there is objection.

Senator McCLELLAN. I have no objection if somebody wants to speak off the record, but I mean for the principal discussion in arriving at this, it should be on the record. I did not mean to just make it rigid.

Senator DIRKSEN. If it is agreeable, let us take this off the record at this point.

(Discussion off the record.)

Senator POTTER. Of course, we are confronted with this other possibility. It is my understanding that the Armed Services Committee will be holding hearings Thursday on the question of communism in the Army, and all I know is what I have read in the paper, that certain members of the committee have stated that if we do not do something, they will. So the very thing that you mentioned is involved.

I am wondering what position we would be put in if we do not act, and then allow the Armed Services Committee to pick it up. It would be most embarrassing for all of us on this committee for not assuming our responsibility.

Senator DIRKSEN. You are on the Armed Services Committee, are you not?

Senator SYMINGTON. Yes, sir.

Senator DIRKSEN. It was my understanding from discussions with perhaps 1 or 2 members that there are pending before your committee 2 legislative proposals to deal with communism in the Army, and the disposition of Communists and their assignment to duty.

Senator SYMINGTON. As I understand it, the committee hearing Thursday is not quite what the distinguished junior Senator from Michigan felt that it was. It is an effort to find out if in the opinion of the Department of Defense they want some additional legislation incident to the problem of communism.

Senator POTTER. I think that that is correct, yes. I stated it in broad terms.

Senator JACKSON. Broad enough so that it might get into this. That is the way I thought of it.

Senator POTTER. I think Senator Flanders said if we do not act, he is going to. And I think perhaps a couple on your side have said it. I am just wondering about what you stated about the ventilation of this—whether we could prevent it even if we do not act. That is, if some other committee would move in.

Senator DIRKSEN. It was not my understanding that the Armed Services Committee intended to go into the instant matter that is before this committee at all.

Senator JACKSON. I think Senator Flanders, who is a member of the committee, made some statement in which he said that the committee should go into it, and one other Senator—I think Senator Kefauver—mentioned it.

Senator SYMINGTON. I think it would be impossible not to have some questions asked in this matter as incident to the question of

legislation to help eliminate communism in the Department of Defense. I am certain that I know two Senators who would, one on each side of the aisle, who would want to ask questions incident to this.

Senator POTTER. At this meeting Thursday?

Senator SYMINGTON. That is my understanding. I will be very frank, I would not want to be anything but candid in a matter of this importance, and I felt there were some questions that I would like to ask Mr. Wilson myself with respect to the position of the Department of the Army and its relationship recently to the Department of Defense, and vice versa, in this whole matter.

Senator MUNDT. May the Chair inquire. Senator Saltonstall is chairman of the committee, and he told me riding over on the tramway yesterday, "I have invited the members of your subcommittee to attend these hearings," and I have received no other notice. Has anybody received a notice?

Senator MCCARTHY. He told me that he had sent me a letter, and I have not seen it in the office. I think the only reason is that I have been so badly tied up I have not seen it. But Lev told me that he had sent a letter to me, inviting me as chairman, and all of the members of the subcommittee, to sit in Thursday. I explained to him I would not be here Thursday, and I would notify all of you, and I intended to do that. I understand that you will have the right to question witnesses, also. He did not make that completely clear, but I understood that to be part of the invitation.

Senator MUNDT. I did not know whether that was something that occurred to him when he rode over with me, or whether he had written you.

Senator SYMINGTON. I have heard nothing of it at all as a member of the committee. I have heard nothing about it.

Senator MUNDT. Apparently, then, he has written as chairman of that committee to the chairman of our committee, asking our chairman to extend this invitation to us.

Senator MCCARTHY. I will call the office and see if I can find that.

Senator DIRKSEN. I would like to get back to what is the primary question that is here, and that is the further public ventilation of this whole controversy. At the end of it, there could be only a couple of things. One would be to terminate the committee service of Roy Cohn, our counsel, and probably the other one would be to politely advise the Department of Defense that by the same token, perhaps the services of Mr. Adams ought to be terminated.

In my book—and this can go on the record—it certainly would not require public ventilation to accomplish that result.

(Discussion off the record.)

Senator POTTER. Of course, if the Senator will yield, I think that we are in this position: that this committee is an aggressive committee, and we call in witnesses, and we cite them for contempt and we cite them for perjury. Now here is a question that has come up, and it has been in the headlines for a week, and the public is confused with the charges and countercharges made on both sides. Obviously perjury has been committed by somebody, and I do not know who has committed it. I think we have no right to cite a man who is in the witness chair on another matter which the committee has investigated, and then when this comes up, which affects our own committee organ-

ization, to say, "Well, perjury may be committed, but we will sweep it under the rug." I think that we would be criticized.

Senator McCARTHY. For the record, you might want to correct what you said. You said "obviously perjury has been committed here." Neither Adams nor Cohn have been under oath, ever.

Senator POTTER. As far as the public is concerned, statements have been made, and they assume somebody is not telling the truth.

Senator McCLELLAN. Will the Senator yield at that point? If the public statements that have been made on both sides are testified to under oath, then somebody will have committed perjury.

Senator POTTER. That is right.

Senator McCLELLAN. I do not know whether any of these statements are true, or which are true or which are not, and so help me, I haven't any fixed opinion about it. But it is before the public, and this committee cannot afford to do anything that would look like we are trying to hush it up or whitewash it.

You bring these folks in here, and you put them before the television, and you portray them and present them to millions of people when they are testifying, and they are subjected to that; and then we cite them for contempt because they refuse to answer questions.

Now you have it at the top level thrown open to the public, and I do not believe this committee can maintain its prestige and command public respect if it does less than to bring these principals and supporting evidence and supporting witnesses before the committee and let the public hear them testify, just like you do anybody else against whom accusations are made.

Senator POTTER. By the same token, I believe it can be done quickly, and I do not think it has to be a prolonged hearing.

Naturally, there are the two principals in the case, John Adams and Roy Cohn.

Senator SYMINGTON. Will the Senator yield? I think there are more principals in it than that. Secretary Stevens is in it, and he is in it deep, and the feeling in the United States today is that the Secretary of the Army may have committed perjury. In addition to that, I am not sure I agree with this question of celerity of operation. This is a very serious matter. I spent a good many years in the Pentagon, and I believe that we would deal a disastrous blow to the morale of the Armed Forces if in any way anybody could get the idea that the members of this committee who have been, as Senator McClellan said, very prone to publicize its actions in the past, if the idea got out that there was some hush-up aspect in this thing. I would never feel right about it in my own heart, and I do not think my constituents would ever feel right about it in their hearts and heads in Missouri.

I believe, with Senator McClellan, that these charges are so grave, without any shadow of a doubt, they affect the future security of the United States, in my opinion, and I think the morale in the Army and the Air Force has been badly hurt. One general told me abroad that he had written his wife and asked that the name of his son be withdrawn from application to West Point.

If you think that they give this situation publicity over here, you ought to see what they were giving it over there.

Now the charges have been made, and the issues seem to be clear, and I completely agree with Senator McClellan that if this matter is

run down there will be perjury shown. I think that we ought to take every step in the world necessary, just like we had a trial in a courtroom, to be sure we do not indict or convict anybody for perjury without first doing everything we can to get all of the facts.

Senator POTTER. My point is it can be done expeditiously and without being prolonged. I think it is very essential. I share Senator Dirksen's view, that the longer it goes on, the worse it is going to be, as far as the public impression of our committee is concerned, and the Army and other people that are involved.

Senator MUNDT. I don't think we ought to enter into this under the illusion that this can be done very quickly, and this is going to take some time. We might as well face up to that. Ten days or 2 weeks is a minimum.

Senator JACKSON. You must face up to the fact that you are going to have a lot of witnesses once this starts.

Senator MUNDT. And you cannot do it Thursday and Friday and get it done, because we are just kidding ourselves.

Senator JACKSON. And it has to take priority over everything else to get action on it.

Senator MUNDT. And we could move as rapidly as we can, but men of reputation have their veracity at stake and they are going to have some time to martial their facts and get their witnesses. It shouldn't be done with speed as the primary motive and the primary motive should be complete justice.

May I just put in the record at this point the letter from Saltonstall, because that came up a little earlier. I will read it. It is dated March 11:

HON. JOSEPH R. MCCARTHY,

*Chairman, Committee on Government Operations,
Senate Office Building, Washington, D. C.*

DEAR JOE: To confirm our recent conversation, I find it is not feasible to postpone the public hearing for next Thursday, March 18, on S. 3096 as it has been publicly announced and the witnesses have made their commitments.

This particular meeting is to hear Secretary of Defense Wilson, Admiral Radford, Chairman of the Joint Chiefs of Staff, Honorable Robert T. Stevens, Secretary of the Army, and General Ridgway, Chief of Staff of the Army. They are to discuss the above bill and describe what steps they are taking administratively on the question of men now serving in the Armed Forces who may not be loyal or sympathetic with the purposes of the service in which they are enlisted, and any other remedial legislation which they believe is necessary.

As your Committee has given close attention to some of these problems, you, or any of its members, are welcome to attend this meeting. It will be helpful, in my opinion, if you can do so. Will you please notify the other members of your Committee?

With kind personal regards,

Sincerely yours,

/s/ LEVERETT SALTONSTALL, *Chairman.*

Senator McCLELLAN. Could I see the letter?

Senator SYMINGTON. I have never discussed this matter with Senator Saltonstall, but I think that he should discuss this matter with the Armed Services Committee before he decides how he is going to run this hearing and I would like to put on the record that I would like to discuss the matter with him.

That has come up several times in our committee.

Senator MUNDT. That will be a determination that this committee cannot obviously make.

Senator SYMINGTON. I have heard practically nothing about the hearing, and I would not have been able to answer Charlie's point if I had not called up yesterday to check a statement I made which I was told was wrong, which was wrong. I would like to talk to the chairman of the Armed Services Committee about it, and other members in Armed Services and I think Senator Byrd and Senator Russell and Senator Johnson and Senator Kefauver and Senator Stennis, and find out what this hearing is all about.

I don't know what it is all about, and we never had any notice of it except what I have read in the paper. Strike that. I may have had a record of the hearing.

Senator DIRKSEN. Did you submit this for the record?

Senator MUNDT. Yes.

Senator JACKSON. I merely wanted to make this statement, that I concur in the view that the hearings must be held in public. For the life of me I don't see on what basis it could be suggested that they be held in executive session because the charges are all out in public. I am fearful of the effect that it is going to have on the committee as Senator Potter pointed out, and I want to say that to the record.

Senator DIRKSEN. That is the concern I have, the usefulness of the committee in its future operations, and in the task to which it has set itself long ago. Do we serve that purpose best by having a public hearing, and ventilating the charges over a period of time, or do we serve the best interest by simply letting the grass grow over it and taking some affirmative steps?

Senator JACKSON. I think that there are grave consequences no matter which way you move. But I don't see how you can move away from the public.

Senator DIRKSEN. Now, Mr. Chairman, I might add that four members of the committee have expressed themselves with respect to public hearings, and if that is the majority wish of the committee then the second question that arises is this, to make sure that it does not become a Donnybrook Fair and it is kept on sound and orthodox lines. There will have to be some exploration of the matter so that you will know who the witnesses are, and we will have to have some notion as to the thing on which they are going to testify, because if it becomes nothing more than a caterwauling and chopping contest between witnesses, it serves no purpose and it develops only a small kernel of truth and it leaves you right back where we are.

Senator POTTER. Would you care to comment on my suggestion?

Senator DIRKSEN. I was going to remark that since we have established what is a rather standard technique prior to a public hearing of determining who the witnesses are going to be in a public hearing, and basically the thing on which they are going to testify so that we have a clear concept of it and move toward a definite objective, probably there ought to be a preliminary executive session in which the acting chairman calls them in or the committee calls them in so that we can explore this ground first.

Now that is the technique we have always pursued.

Senator POTTER. We could do that as part of our investigation, I would assume.

Senator JACKSON. You are referring to the matter of procedure?

Senator POTTER. Yes.

Senator DIRKSEN. And with it, of course, I think the acting chairman should have the benefit of such counsel as he may desire to have at his elbow, because obviously since so many names run through the report, I don't believe that they ought to be tied down with committee counsel, and as a matter of fact it would be desirable, I think, to let him have somebody of his choice, to help him first get the executive session organized so that when you go out there in the caucus room, of course you are going to have a lot of people, and you know who goes on, and generally about what the testimony is going to be, so that it doesn't become irrelevant and immaterial to what the purpose is.

Senator SYMINGTON. Would the Senator yield? I think that the senior Senator from Michigan referred to a special counsel, and a special investigator. I agree with that, after the broadcast about this loyalty pledge. I think the public might feel that the case was somewhat prejudged if we used the present staff. We should get a special counsel, someone whom we all felt was right. I am not a lawyer, but I am asking for information. Wouldn't that type and character of matter be prepared by the counsel and submitted to the chairman of the committee and the rest of the committee for approval?

Senator DIRKSEN. You would want a capable person who can evaluate the substance of the whole thing, so that it has good direction, and so that there is no time lag, and so that every evidenciary fact is finally adduced, because if we are going to have a public hearing then of course you want to make your record as complete as possible, and as quickly as possible, and as sound as possible, with the least amount of gossip and conversation and fraud that would have no bearing upon the issue at all. I do not have in mind any such suggestions.

Senator POTTER. I have no one in mind, but I thought as a possible reservoir of lawyers of Department of Justice.

Senator DIRKSEN. You might borrow some talent for the occasion.

Senator MUNDT. May I mention since it has been in the paper, Senator McCarthy's suggestion that he turn the Chair over to me, several people have called up, lawyers, offering to make their services available to the committee free. I have been thinking a little bit about what kind of counsel we would get, because quite obviously if this committee is to do it, and I want to say something about that in a moment, if we are going to conduct this I think that we should conduct it with a staff chosen specifically for this purpose, and not in any way use the present staff.

Senator JACKSON. For this limited purpose?

Senator MUNDT. That is quite right, as a temporary proposition, thinking who could you then get. Frankly, it occurred to me we might be able to get a man like Bill Rogers who was on the committee staff under John McClellan. I discussed that a little bit and the Justice Department pointed out that this thing may possibly run into a perjury case, in which it becomes involved, and so they would not want to participate in the hearings now, which seemed to me to be a valid explanation.

I thought of Bob Morris, who did a very commendable job and he is now a judge. Somebody pointed out that Bob Morris at one time had been on the same committee with Joe, and of course that would disqualify him.

I thought about——

Senator McCARTHY. It was not on the same committee, but he was a close friend of mine.

Senator MUNDT. Then I thought how would it be, if the committee felt it wise, if we would simply ask the American Bar Association to recommend some counsel and get their advice, and I think if we are going to have counsel, which we have got to have, it has got to be somebody of stature and somebody very important, and if you fellows on your side feel that you want 2 counsels, let us have them recommend 2 and I don't care about that. But it is very important, it seems to me, that this thing be done objectively, which leads me to make this suggestion to you fellows, and to get your reaction.

I have said, as you know, in the press, that I don't believe this committee is the proper forum before which to try these charges and countercharges. I base that on several reasons. In the first place, I think that when we have finally, or when the differences have finally been adjudicated, it is tremendously important in the public interest and in the interest of the armed services, and in the interest of the Senate and in the interest of this committee, that the ultimate result be one that the country will accept, or at least the fairminded people of this country will accept.

I think that that is tremendously important that we don't come out with a report, if this committee makes it, which simply perpetuates the feud, and people will say, "Of course the committee did it that way, because they were prejudiced, or because of their connection with a member of the staff who was under investigation, or because the chairman of the committee was involved, and some of his statements, and they were trying to protect what he said, or vice versa, they were trying to spank the chairman of the committee or they were trying to spank the Army."

I am afraid if this committee undertakes it—or at least I want to voice this for the record—I have a very sincere and honest conviction of my own that if we undertake the job and come up with a report, or recommendation, that we are going to find that whatever we decide is going to be suspect by whichever group happens to be displeased with the verdict. I base that in part on two facts that the Washington Post has been hammering away editorially for several days, on the theory that this is not the committee to make the findings. This morning somebody mailed to me a copy of the Daily News of New York, on March 16, which is an editorial, and from which I quote:

We will second the motion of Senator Karl E. Mundt that who is lying and in related disputes between Stevens and McCarthy be taken before some impartial group for an early decision. We can't see leaving the factfinding to the McCarthy group even with McCarthy stepping down from the chair as he has offered to do. The truth and nothing but the truth might well be discovered under such circumstances. But it would be suspect just the same. Better let another group handle the job.

Now I suspect the Washington News and Washington Post and Daily News haven't agreed on anything for 100 years but they are differing at this thing from 5 different portholes, and agreeing on the fact that this committee's verdict is suspect in advance and none of us, I am sure, around the table, know what our verdict is going to be. I honestly believe that there is some validity in the suggestion that we measure up to our responsibilities in this manner, by saying "We can recognize as John and Stuart and most of you have pointed

out that this is tremendously important, and the public has a right to know where the facts lie, and so we request some committee which is not in any way suspect of having learnings one way or the other, and which does not have its chairman or its staff involved, to make an impartial thoroughgoing objective report, and take the evidence under oath, and make the report that it makes simultaneously and in like language both to the Department of Defense and to this committee, and our committee then takes those sworn facts and acts on the basis of them, to take whatever corrective steps need or seem indicated."

The Department of Defense takes its report, and I am sure will take whatever corrective steps seems to be indicated to it, and I think the country would be better satisfied, and I think the public interest should be better satisfied, and with these two papers, and many smaller papers of like mind, already saying, "If our committee undertakes it, whatever you find, it is not going to be satisfactory." I don't see how we have accomplished very much by all of the hard work which we are about to undertake.

Senator DIRKSEN. I must very respectfully and thoroughly disagree with you, and with the editorial opinion that you just cited. In the first place what a dismal confession it would be to the country that seven members of the United States Senate who are confronted with a problem, have to throw it in the lap of other Senators who have only equal prerogatives on committees and in the United States Senate. I would never make that confession under any circumstances. I think that there is enough talent, and there is enough flexibility, and there is enough sportsmanship, and there is enough fairness in every Senator to be able to discharge his responsibility. It was of our contriving, one way or the other, and there would be no need to point the finger at anyone, or any group. It is a condition, and it is not a theory, and it is here. It is our job to deal with it. Other members of the United States Senate are busy, but if you ever set the precedent that when a controversy arose in a committee that it had to be adjudicated and tried by another committee I shudder to think of what the ultimate consequence might be.

Senator MUNDT. Will the Senator yield? This isn't exactly what you could call a controversy arising within the committee, and I don't think that we have any particular fight among ourselves. This is a controversy between a staff member of the committee, and perhaps the chairman of the committee, and Mr. Adams and Mr. Stevens and perhaps some other in the Army. It is not something that was testified here, and I cited the precedent that judges quite frequently even in the Supreme Court step aside when they feel that they are taking part in a case which might tend to indicate to the public that they are prejudiced, not because the judge doesn't feel he can be fair but he wants the verdict to be accepted as fair by the public, and I do not think the judge that does that is any less responsible to his duties and any less honest, and important and dignified than if he had taken part in the case.

Senator DIRKSEN. The second reason for the viewpoint I expressed is that this is not a judicial proceeding, and this is a legislative body, and this is a legislative problem. The problem originated and it had its incubation in the operations of the committee and its relationships

with the Department of the Army. Consequently, this is a legislative matter, and not a judicial. We need not look at it judicially, because it is a matter of inquiry.

(Discussion off the record.)

Senator McCARTHY. Let me make a suggestion pending your decision on that. Here is what I would like to see done. There are some completely reliable witnesses in this case, separate and apart from Adams, Cohn, and Stevens, and McCarthy. During the hearings when things were very friendly, and this is on the record, Bob Stevens—

Senator MUNDT. If you put this on the record, we might decide to vote to release this to the press.

Senator McCARTHY. I will leave it off the record.

(Discussion off the record.)

Senator SYMINGTON. Going back to the proposition of having the hearing before another committee, I would like to completely associate myself with the objection, the first objection made by the distinguished junior Senator from Illinois. Even as late as yesterday morning, I felt there was merit in the suggestion which I believe I read in the paper that you had made, Mr. Chairman, but first I understand there is no Senate precedent of any kind whatever of a committee voluntarily transferring its obligations. That was told me by people who had been in the Senate as long as anybody. Second, I think the public would get the wrong impression of our doing it, and third, I would be the only person on both subcommittees. This is purely a personal angle, and I think of the experience of some of my colleagues like Senator McClellan, and also Senator McCarthy. They all know this subject, and you would save a great deal of time. If you want to do this thing with the celerity that Senator Potter mentioned, you would not put it as a fresh new problem to a committee that has not followed it like naturally we have.

Now, I have just found out about this Armed Services meeting, and I received no notice of it, let alone the suggestion that the chairman of it has made to the chairman of our full committee. It is a good illustration of why I prefer to see it stay in this committee, in my humble opinion, because I do not think it is proper for the chairman of a committee in a matter of this character to announce things to the press and send letters around that do not go to other members of the committee. The basic purpose of the Armed Services Committee, I am told, after investigating, is to look into a bill, S. 3096, which would attempt to eliminate in the future the procedure in the handling of this dentist major, as I understand it from what has been told to me.

Senator DIRKSEN. Mr. Chairman, I think to round out the statement made by Senator Symington, I have grave doubts just as a theoretical speculation for a moment, that you could confer upon any other committee of the Senate jurisdiction to undertake this job, without introducing a resolution, and having it considered on the Senate floor. Then, you would have a field day and it would run for quite a while before you get through.

Senator MUNDT. I was not suggesting we do it by resolution unless it was decided to set up a special committee to do the job, and I was going to suggest a letter from this committee to request them, which they might or may not accept.

Senator POTTER. Right on this point, I think that the objections that you have raised, Karl, concerning this committee handling this investigation, will be eliminated if we get outside counsel, and outside personnel to handle whatever investigation might be needed, or any counsel that would be needed.

Senator MUNDT. The present chairman would insist upon that as a minimum, and I do not think it is going to entirely erase the objections, but it will alleviate the situation somewhat.

Senator McCARTHY. There are a number of what I consider very reliable witnesses outside of those involved, and as I started to say during the period of cooperation when the Army apparently was working with us, Bob Stevens used to come to New York for a number of the hearings. I want this on the record. We would go over to his club, the Mercantile Club, for lunch. We generally had 2 or 3 individuals along, guests picked up on the way. We had some very reputable newsmen.

I would like to see Senator Mundt with sufficient counsel make a thorough investigation of this, and report to us, and then decide what we will do, and then decide whether you are going to hear it. I think it will be impossible to make a decision until Senator Mundt gives us a complete report after he listens to all of the stories involved.

Senator DIRKSEN. Mr. Chairman, I will submit a proposal to the committee, but if you will bear with me 1 minute, to read the rest of this into the record.

The second point was, and you see this was conditioned upon the fact that if there was going to be no open hearing, that we would have to do something about our rules of procedure.

Senator McCLELLAN. Will you yield? May I suggest that it will be better for me that we refrain from questioning you now until you read all of them, and then we will have them.

Senator DIRKSEN. Resolved that the rule respecting a quorum in subcommittee be amended to read as follows:

For the purpose of taking sworn testimony by a subcommittee, two members of the subcommittee shall constitute a quorum.

The rule is one now.

Next:

Resolved, That the rules of procedure of the Permanent Subcommittee on Investigations be amended by adding at the end thereof the following new section: No. 11. "Notice of a hearing at which a witness will testify under oath or subpoena must be given to each member of the subcommittee at least 48 hours prior to the hearing, if held in District of Columbia, and at least 72 hours if held away from the District of Columbia.

And, finally:

Resolved, That rule 6, of the procedures of the Permanent Subcommittee be amended to read as follows: "All testimony taken in executive session and all confidential material presented to the committee, shall be kept secret and not released in whole or in part or in summarized form without the approval of a majority of the subcommittee."

The rule today is that it relates only to testimony but not to confidential material that may have been submitted to the committee. Other suggestions may occur to other members, but I do believe that we must improve our rules of procedure, to go back to this basic purpose.

Senator MUNDT. May I inquire whether in this list of rules, you included the one that when I was called in by the policy committee, when they were offering their suggested rules to all subcommittees, to listen to some of the suggestions they made, they had nothing there dealing with out-of-town hearings, and I said that I thought it would be helpful to all members of the committee if we would adopt an amendment to the rules stating that before any out-of-town hearings were held there should be an affirmative vote of the committee on out-of-town hearings, so that we can try to adjust our schedules if possible to attend them. I think that that should be added.

Senator DIRKSEN. This is an incomplete effort, of course, but I wanted to make it a matter of record.

Senator MUNDT. We have more immediate problems before us.

Senator DIRKSEN. I wonder if you are ready for a specific proposal.

Senator MUNDT. May the Chair inquire, we have not taken any votes at this time, whether the other members of the committee share the adverse opinion to my suggestion that we try to get this into an outside committee.

Senator McCLELLAN. I will state my position, Mr. Chairman, that I do not believe this committee can afford to. You talk about the prestige of it, and the confidence of the people, I think it is our baby, and it is our linen, and we have got to wash it, and I favor washing it in public, and not in secret, because it just will not do, in my opinion, for this committee to take either the position of shirking a responsibility, or be in the position of not meeting it before the public where the charges have been made.

Senator POTTER. It is an admission that we are not responsible Members of the Senate.

Senator McCLELLAN. I want to qualify it to this extent only. I think possibly the Armed Services Committee, and I would say no other, but the Armed Service Committee, would have jurisdiction to investigate, and probably a responsibility if this committee does not do the job, in relation to the military aspects of it. I do not deny them their jurisdiction but I do not believe we can shirk the responsibility that is ours.

Senator SYMINGTON. I agree to that without any reservations. That is my position about it.

Senator MUNDT. You are very clear that the majority of the committee feel that this committee should undertake it.

Senator McCLELLAN. To make certain, I make a motion that this committee investigate the whole matter.

Senator SYMINGTON. Are you talking about the subcommittee or the full committee?

Senator McCLELLAN. I really believe, and we can discuss that a moment if you want to, that my own views, and I am not going to be terribly contentious about it, but my own view is that you will add some measure of prestige and respect and confidence since this is a subcommittee, and since the authority and the power under the rules is delegated to the full committee, that the full committee make the investigation. That is my humble opinion, and I am, as I say, not being contentious about it.

Senator POTTER. I would think it would be much better for our subcommittee to handle this problem.

Senator McCLELLAN. As I say, I am just talking out loud.

Senator POTTER. I do not think that it matters whether we turn it over to the full committee or some other committee. It still is a reflection upon whether the subcommittee has the ability or has the desire to bring out all the facts in the case, itself and——

Senator JACKSON. You broaden the base of the participants.

Senator POTTER. You bring in people who are not familiar with the work of this committee, the same as you would if you sent it to another standing committee.

Senator JACKSON. Would that not add to the prestige, the fact that you did bring in the other people?

Senator DIRKSEN. I doubt it very much, but I think we are in the same fix there in turning it over to the full committee that we would be if we turned it over to a wholly separate committee.

Senator McCLELLAN. I do not agree with you, because this is a full committee responsibility.

Senator DIRKSEN. Except, the other subcommittee has not participated in what we have done, or that has brought about this condition.

Senator JACKSON. Some of us were not on the committee when all of this happened. So it is a little mixed up.

Senator DIRKSEN. There you have guilt by association.

Senator McCLELLAN. In order to make the record if you are ready for a motion, I move you that the full Committee on Government Operations make a thorough and complete investigation of this controversy and issue involving members of the staff of this committee and the Department of the Army.

Senator POTTER. I wish to offer an amendment to the motion by the Senator.

Senator DIRKSEN. Before you do, let me ask you a question: Are we in a position, John, to entertain a motion like that. Could we do anything other than recommend to a meeting of the full committee?

Senator McCLELLAN. I think that you are right.

Senator DIRKSEN. We could do no more than make a recommendation, but if we make a recommendation, and if we have to wait for a meeting of the full committee, I am just thinking of all of the noise outdoors, and another day's delay.

Senator McCLELLAN. I think that you may be right, and my whole purpose is simply to give this thing prestige. We have got to do the job as I see it, and to give it all of the prestige that is possible, that we were not just trying to whitewash the thing ourselves, and after all the members of the full committee have a responsibility for this committee.

Senator SYMINGTON. That is right. Couldn't the members of the full committee demand that they be in this hearing?

Senator DIRKSEN. Procedurally, though, Joe will be gone tomorrow, and I will be gone tomorrow, although I am willing to throw it overboard if it serves any purpose. Certainly, we would not want to take any action unless the chairman of the standing committee is here, and if Joe is gone the rest of the week and we had to defer a full committee meeting until that time, you have got just that much time that is lost before we get this thing ventilated. Consequently, I think that it would serve the interest of time so much better if we left this in the bosom of the subcommittee.

Senator POTTER. I would like to make this motion.

Senator McCLELLAN. I will withhold my motion for a moment, for further discussion, and I have no ulterior motive in it at all.

Senator DIRKSEN. I am sure of that, and I understand.

Senator McCLELLAN. I am trying to do this job in the best manner possible.

Senator MCCARTHY. Before you move, may I urge that all of you find out all of the evidence that is available and know exactly what is going to occur, before you decide how you are going to go. I think the way to do that would be to have Bob Kennedy work with Karl and report to the minority, and interview all of the witnesses, and I think that Stuart Symington should know exactly what is the testimony on Bob Stevens before he decides whether or not this should be aired.

I think that Karl Mundt can do that, probably Monday.

Senator POTTER. My motion won't interfere with that at all. I wish to move that we empower the chairman to secure outside counsel, and what other aid we may need for this investigation.

Senator SYMINGTON. If the Chair would entertain this thought, that we have a very good counsel who knows a lot about this situation in Bob Kennedy, and I personally believe that this matter is of such grave import to the people of this country that we should have a special counsel or somebody who has never had any relationship with these various investigations, and so forth. Perhaps the majority members of the committee would appoint somebody to work with him, and we in turn would appoint, I presume, because he certainly has our confidence, Bob Kennedy to work with him, also.

Senator MUNDT. The Chair will say he is perfectly agreeable to the idea that the minority if it desires, should appoint a counsel, but he would resist that that counsel be Bob Kennedy on the same basis he resists using any of the other present staff members, because looking down the corridor after the decision is made I think it would impair Bob's usefulness and his relationship with the staff that remains.

I don't think we should put him in that position. I seriously urge that if you select somebody, which I am happy to have you do, select him from outside the staff.

Senator SYMINGTON. May I ask the Chair, would that mean that he would not want Bob Kennedy to assist the special counsel, for example?

Senator MUNDT. I really think we should keep the present staff out of this thing altogether.

Senator SYMINGTON. Including Mr. Kennedy?

Senator MUNDT. Yes.

You can see what Bob's position is. Suppose they find evidence of misbehavior on the part of 2 or 3 of the staff members, all of whom have their loyalties to each other and he is going to continue to serve as your minority counsel.

Senator SYMINGTON. We picked him very carefully, because we felt that the chairman would like him, and because he had him working for him before, and he was not asked to sign this loyalty pledge to Roy Cohn, and he knows a great deal about the subject.

What I would like to do would be to see the truth gotten out to the people about what this is all about. I should think he would be of great assistance in getting the truth out. I wouldn't suggest that he be

the counsel and we have never discussed this in the minority group but it would seem to me he could be of great help to whomever the special counsel would be.

I believe he has the confidence of the majority as well as the minority, and if anybody feels that he has not, now would be the time to get that out on the table.

Senator MUNDT. I am thinking about his position on this committee after this ruckus is over. I would like to see him continue to serve, and I would hate to see him get involved in an embroglio of which he has no part. It seems to me if we are going to get counsel and I wish if Charlie is to make his amendment, that he would make his motion that the Chair in conjunction with the ranking minority member will secure counsel, but I would hate to see this thing setting up a permanent feud in our staff.

Senator POTTER. I will so amend it.

Senator SYMINGTON. If you feel that way about Mr. Kennedy, I would be entirely agreeable, and I am only speaking for myself, that you and Senator McClellan decide who the counsel will be. But I most respectfully urge that he be somebody who has never had any connection with this type and character of investigation, of any kind in a Republican administration or Democratic administration, or as a minority counsel, or any relationship at all, and that we pick somebody to whom the American people, or as a result of which the American people would feel that we were really trying to get a top man of character to get at the facts in this case on both sides.

Senator MUNDT. I agree 100 percent.

Senator DIRKSEN. Let me make this specific proposal, then: I move that the temporary chairman be authorized and directed to proceed forthwith with an exploration of all of the facts and circumstances involved in the controversy that has been before us for discussion, and prepare the matter for presentation first to an executive meeting of the committee to be held at the earliest possible date, and subsequently to a public meeting, the chairman to be assisted by counsel who shall not have been associated at any time with the work of the committee, one of whom shall be selected by the chairman, and the second to be suggested by the ranking minority member of the committee, and that the matter be prosecuted with all vigor for presentation. I want to add to put it all in one motion——

Senator MUNDT. And whatever staff is necessary.

Senator MCCARTHY. I think we are going to have a public session. I have been accused of interfering for Private Schine. I want the evidence on that in a public session. However, I think that the Senators should have a full and complete picture before we decide how it will be handled.

Now, at this time I can't see that we have any choice but ultimately having a public session, but we are all sitting here and a lot of us are sitting here in the dark as to what the facts are and I am not going to try and tell you ahead of time what they are. I think that that is up to your acting chairman, with competent counsel to interview every witness who can shed some light on this, and who has been present at any of the arguments or telephone conversations.

Then after you have that complete report, then I think that we should decide what we want to do with it.

Senator SYMINGTON. I think that he should set up how he is going to do it, but I don't think that he should have private discussion about the thing with the various witnesses and all, and build a case. I think the case now has to be built before the American people.

Senator McCLELLAN. Let me make my position clear before we proceed any further. I don't think that this committee can afford to recess here this afternoon, and now, without having taken a position one way or the other, that is, that it is going to hold public hearings on this thing. I think that that should be determined. Then the motion made by Senator Dirksen is proper, that we proceed to get a staff, and that the chairman or acting chairman then make a full report of the preliminary investigation as to what witnesses may be available, after you have got a staff to investigate it, and then the committee will be called in to executive session to determine the procedure with respect to the public hearings.

I do not believe it is wise with this clamor before the public today to walk out of this meeting without having determined and announced that we are going to hold a public hearing in this controversy and all of it will be public.

That is my feeling about it.

Senator MUNDT. Will you yield? Would there be any merit—and I quite agree that this has got to be gotten to the public—but I wonder if there would be any merit in considering the procedure used in the MacArthur hearings, and I think that you were active in that.

Here is the way they were conducted: They were conducted in the Caucus Room by the members of the committee, and every hour they gave out the full text to the press. In other words, that gets away from your motion-picture cameras, and the TV, and things of that kind. The TV is all right, but the motion-picture cameras on occasion just shoot a little sketch, and they don't get the full picture, and this is something where the country should have the full picture and get the full text, and no expurgations. I thought it was a rather dignified hearing, and I don't like to see this thing get to be a public brawl. I just toss that out as a suggestion.

Senator McCLELLAN. We can determine whether we are going to hold this in public.

Senator PORTER. That would be considered as a public hearing.

Senator McCLELLAN. That is a part of a public hearing, but the first thing to determine is what this committee should determine this morning.

Joe says it is ultimately going there, and I don't think you serve any useful purpose by starting executive hearings, and so forth, and it only arouses suspicion and speculation. I think that the thing to do, gentlemen, is just go ahead.

Senator MCCARTHY. I think that you may be right there.

Senator McCLELLAN. I want to make this statement in view of what the Chairman and Senator McCarthy have said about the Army. I am not here, brother, to defend the Army. If they have dirty linen in this thing, or anything else, that goes to the morale of the Army, God knows we had better clean it up now.

Senator SYMINGTON. That is what I think.

Senator DIRKSEN. Shall we agree now unanimously that there shall be a public hearing? It is far better that the committee is not divided on that matter.

Senator McCLELLAN. I do think so. If you will permit me, I will make the motion and there will be no question about it.

Senator MCCARTHY. I think that John is right.

Senator McCLELLAN. If you will withhold your motion for the moment, I move you, Mr. Chairman, that this committee hold public hearings on the controversy that we have been discussing involving the Department of the Army, the Secretary of the Army, chief counsel of the Army, the Chairman of the committee and the chief counsel of the committee and other members of the staff who may be involved, and that all testimony taken be in public hearings, all sworn testimony, and not any taken in executive session, and that we proceed with this matter as expeditiously as possible, and to the exclusion of the undertaking to transact any other public hearings or business of the committee until this matter is disposed of.

Senator MUNDT. May I ask you a question as to your interpretation of the resolution?

Senator MCCARTHY. May I suggest you amend that to cover everyone involved?

Senator McCLELLAN. All right, I will amend that. I was trying to mention them specifically, but I will add that to include any others that may be involved or that the testimony we develop may show are involved.

Senator MUNDT. Will you change that to this extent, that all testimony taken in public, and will you say that all testimony be made public? I think we may want to send some people down to take some depositions from these people under oath, some of the folks that are in these camps, and we can make it all public.

Senator McCLELLAN. There is no objection to having a deposition but it should be read in a public hearing.

Senator MUNDT. You said taken in public, and that pretty well cramps the efforts of the investigator, but all testimony to be made public.

Senator JACKSON. We agree to the handling of depositions, let the record show that.

Senator POTTER. There may be a question there.

Senator McCLELLAN. I am not much inclined to taking depositions unless a witness is incapacitated from attending.

Senator MUNDT. You may save a lot of expense, and you may find some one who will say "I wasn't there at all, and I am a wrong guy."

Senator MCCARTHY. I don't think that you should bar the Chair from calling in witnesses in executive session and finding out whether or not they have anything of value. It is the usual procedure.

Senator MUNDT. We don't want any more characters than are necessary in this.

Senator McCLELLAN. I will amend it to this extent, then, that no testimony be taken in executive hearings except by a majority vote of the subcommittee. That gives us control of it. Is that all right?

Senator MUNDT. That is perfectly all right.

Senator MCCARTHY. Will you amend it, also—you said "and investigation of the Chairman of the Committee."

Senator McCLELLAN. I will strike that.

I was trying to make myself completely clear.

Senator MUNDT. Suppose for the sake of clarity now, we will strike the whole thing, and remake it, so that we have got it before us.

Senator POTTER. Senator Dirksen had a motion pending.

Senator DIRKSEN. This would be a preliminary motion.

Senator MUNDT. The Chair will yield and Everett yielded to John. (Discussion off the record.)

Senator DIRKSEN. I want to make a motion with respect to the record, when we get around to that.

Senator McCLELLAN. I think my motion is clearly stated there. I will undertake to restate it.

I move, Mr. Chairman, that this committee proceed to investigate the controversy that has arisen with respect to charges of misconduct made against members of the staff of this committee and the countercharges of misconduct made against certain individuals in the Department of the Army, and all others who may be involved in such charges or countercharges, and that these hearings proceed as expeditiously as possible to the exclusion of other committee business, and that all testimony be taken at public hearings, save and except that a majority of the committee determine that testimony in a given instance may be taken in executive session.

Is there any modification of that?

Senator MUNDT. May I ask for an interpretation? Does that preclude or would that include the suggestion I made if we should decide to do it as the MacArthur hearing was held?

Senator McCLELLAN. That will come up later. That is a matter of procedure that will come up later. You had the MacArthur hearing, and it was public, but they determined about releasing the testimony, about whether you had television, and so forth, and that is something to be determined later.

Senator MUNDT. I wanted to have that clear.

Senator McCLELLAN. That is still open, and I did not include that.

Senator MUNDT. Are you ready for the vote?

Senator POTTER. Second the motion.

Senator MUNDT. Are you ready to vote?

(Whereupon, the motion was read by the reporter.)

Senator SYMINGTON. I don't like that testimony in executive session.

Senator McCLELLAN. Only by a majority.

Senator SYMINGTON. I do not think we should leave any loophole to make people feel that we are going to take some testimony, possibly, in executive session. I am not a lawyer, but I am just looking at this now from the standpoint of the reaction of the public. If there was some way you could change that language.

Senator McCLELLAN. You could add to that this one qualifying thing, and personally I cannot anticipate now that anything is going to come up where I would feel that it ought to be done in executive session.

Senator SYMINGTON. Therefore, why make it look as if you might?

Senator McCLELLAN. You have a point there.

I do think it ought to be qualified to say that all testimony, whether taken in executive or public session should be made public.

Senator SYMINGTON. Within what period of time?

Senator MUNDT. At the time we make our findings, at least.

Senator McCLELLAN. I think it all ought to be public just as you take it.

Senator POTTER. How did you state that, that all testimony will be taken in public session except by a majority vote?

Senator McCLELLAN. Save and except by a majority vote of the subcommittee.

Senator SYMINGTON. I don't like that modifying clause, and I think that you ought to say that all testimony will be taken in public session—period.

Senator POTTER. I have no objection. It all depends upon what you mean by "executive session."

Senator MUNDT. There might be a possibility of doing it in as dignified manner as the MacArthur hearings were done.

Senator McCLELLAN. I think this: that by conferring about it in executive sessions, we will determine we either want the testimony or we do not want it, and I mean what a witness is supposed to testify to. You can take statements and it does not keep your staff from taking a statement, and let them give you a written statement just like you go out to investigate to prepare a lawsuit, and you determine that you want to use that testimony if it is relevant and pertinent and determine all of that in an executive session.

Senator MUNDT. Don't you bind yourself, John, by that motion, so that you bring in some people and if counsel and all of us hear it in executive session and we conclude that he is a crackpot and it is just a bunch of wild charges, and by your own motion you have to make it public and you have smeared a lot of new people.

Senator DIRKSEN. You could say all sworn testimony, and it does not tie the Chairman's hands.

Senator McCLELLAN. In order to try to get this thing unanimous, I will strike that part of the motion, "save and except," and of course the committee can always determine any time it can revise its procedure by unanimous vote. I think we may strike that part of it.

Senator DIRKSEN. And insert "sworn testimony." You cannot tie the Chairman's hands, because he has got to set it up so this thing does not dribble along for 3 or 4 weeks. There has to be some discretion.

Senator SYMINGTON. I think a statement is not testimony, but then we will say "sworn testimony." I am ready for the vote on it.

You don't specify anybody on this side of the problem, and why not change it and say against the Department of the Army, instead of singling out Stevens and Adams.

Senator McCLELLAN. Strike out "Stevens and Adams."

Senator MUNDT. Would you divide that motion into two parts? I am perfectly in accord with the procedure.

Senator McCLELLAN. First we will put the question. Do you favor this committee making the investigation? We will call the roll on that.

Senator McCARTHY. In listening to the reading of that, you say the charges made against the staff of the committee, and I think it should be tightened up, and the charges made against the Department of the Army.

(Whereupon, the reporter read the motion as amended.)

Senator DIRKSEN. I move that the committee proceed to investigate the controversy which has arisen with respect to the charges and

countercharges of misconduct which have arisen with respect to the staff of the committee and the Department of the Army, and all matters and persons pertinent thereto, and to hold public hearings thereon as expeditiously as possible.

Senator SYMINGTON. I like that better.

Senator JACKSON. But there are two parts to this other one.

Senator MUNDT. Let us take the first one. Are you ready for the roll call?

Senator McCarthy?

Senator McCARTHY. Aye.

Senator MUNDT. Senator McClellan?

Senator McCLELLAN. Aye.

Senator MUNDT. Senator Jackson?

Senator JACKSON. Aye.

Senator MUNDT. Senator Symington?

Senator SYMINGTON. Aye.

Senator MUNDT. Senator Dirksen?

Senator DIRKSEN. Aye.

Senator MUNDT. Senator Potter?

Senator POTTER. Aye.

Senator MUNDT. Present. I vote "present" only because I do not believe that this is the proper committee to conduct the investigation, and I am in thorough accord with the rest of the resolution.

Senator McCLELLAN. I move the second part of my motion, and ask the stenographer to read it.

(The motion was read by the reporter.)

Senator McCARTHY. I move that all hearings be public, and that no testimony be taken in executive session, unless by majority vote of the subcommittee, and that then such testimony shall be made public.

Senator SYMINGTON. Why isn't it better to say "all sworn testimony should be in public hearings"?

Senator McCARTHY. I move that all sworn testimony be taken in public session.

Senator McCLELLAN. That is the same motion I made. I had included in mine that we would proceed with this investigation to the exclusion of all other business of the committee, because I think that this must be settled.

Senator McCARTHY. I will accept that. I assume that that does not mean the staff must quit working.

Senator MUNDT. Is that a second to the motion?

Senator McCARTHY. I will accept the amendment of Senator McClellan.

Senator SYMINGTON. Could we read it, if it is seconded? In any case can we hear it?

(The reporter then read the motion as amended.)

Senator McCARTHY. I move that all sworn testimony be taken at public session.

Senator McCLELLAN. Second.

Senator MUNDT. All those in favor say "aye"; contrary "no." It is unanimously carried.

Senator McCLELLAN. Now, Mr. Chairman, I move that the committee proceed to this investigation and such public hearings thereon

as determined by the committee, to the exclusion of hearings on any other matter.

(Discussion off the record.)

Senator McCLELLAN. Mr. Chairman, I move that the committee proceed to the holding of public hearings on this controversy as now ordered by the committee, to the exclusion of all other hearings.

Senator MUNDT. Do you understand the motion?

Is there any objection? Opposed, no.

Let the record show it passed unanimously.

Senator McCARTHY. I would like to make a motion that the Chair, and this is the motion that has been made in part before, that the temporary chairman be empowered to hire such counsel and staff as he deems necessary in this investigation, that he will consult with the ranking minority member and hire any such staff members as agreeable to both him and the ranking minority member.

Senator SYMINGTON. I think that you ought to say that it be done subject to the majority of the committee. In other words, the chairman will handle it, but I think whoever the chairman employs as a counsel or as investigators should be subject to approval of the majority of the committee.

Senator MUNDT. I would get together and nominate some people to bring it back to you.

Senator JACKSON. The existing rules should apply.

Senator McCARTHY. Now, if you are going to suggest that the majority of the committee must approve it, I will be out of town and I think that——

Senator McCLELLAN. I don't think we can get up a staff that quick, and we can proceed.

Senator SYMINGTON. A majority is a majority. We three aren't going out of town and Everett isn't going out of town.

Senator McCLELLAN. Subject to the rules of the committee.

Are we to understand now that the minority is to employ a counsel to represent it or do we want to proceed with one counsel and one group of investigators?

Senator MUNDT. I would much rather settle for the basis that we don't employ anybody who isn't acceptable to all members of the committee.

Senator McCLELLAN. I am agreeable with that. Then if you will make this other statement that counsel and all staff members employed are to serve all members of the committee alike, I accept it.

Senator MUNDT. That is quite all right.

Senator McCLELLAN. Then it belongs to all of us.

Senator MUNDT. They shall be selected apart from any of the present employees of the committee.

Senator SYMINGTON. I don't think anybody would object under these circumstances.

Senator MUNDT. It will get confidence in the proceeding.

Senator SYMINGTON. You could add no one who had any connection with the Hill.

Senator McCARTHY. Let me suggest something. I don't think that we should create the impression we are afraid of ourselves. If Karl hires someone, and he is acceptable to the minority and acceptable to us, why make it sound as though we mistrust what the chairman is

going to do? Also, you may decide that in typographical work and that sort of thing rather than to hire a new stenographer you may use someone down there on this staff to type things out.

Let me make this motion. I move that the temporary chairman be empowered to employ such counsel and staff as he deems necessary in this investigation, and that such counsel and staff members be employed subject to the standing rules of the subcommittee, and that the counsel and staff so employed shall be acceptable to and responsible to the minority members of the committee as well as the majority.

Senator McCLELLAN. That is sufficient.

Senator MUNDT. Will you read the motion now?

(The motion was then read by the reporter.)

Senator MUNDT. You have heard the motion. Is there any objection? If not, it is carried unanimously.

Senator McCLELLAN. I move you, then, Mr. Chairman, that this committee adjourn until next Tuesday morning at 10:30, at which time a progress report will be made with respect to obtaining counsel and staff for the investigation.

Senator MUNDT. You have all heard the motion. Is there any discussion? All in favor say 'aye'; contrary "no." It is carried unanimously.

(Whereupon the committee adjourned at 12:45 p. m.)

SPECIAL SENATE INVESTIGATION ON CHARGES AND
COUNTERCHARGES INVOLVING: SECRETARY OF THE
ARMY ROBERT T. STEVENS, JOHN G. ADAMS, H. STRUVE
HENSEL AND SENATOR JOE McCARTHY, ROY M. COHN,
AND FRANCIS P. CARR

THURSDAY, APRIL 22, 1954

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON INVESTIGATIONS OF
THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D. C.

The subcommittee met at 10:30 a. m., pursuant to call, in the caucus room of the Senate Office Building, Senator Karl E. Mundt, presiding.

Present: Senator Karl E. Mundt, Republican, South Dakota; Senator Everett McKinley Dirksen, Republican, Illinois; Senator Charles E. Potter, Republican, Michigan; Senator Henry C. Dworshak, Republican, Idaho; Senator John L. McClellan, Democrat, Arkansas; Senator Henry M. Jackson, Democrat, Washington; and Senator Stuart Symington, Democrat, Missouri.

Also present: Ray H. Jenkins, chief counsel to the subcommittee; Thomas R. Prewitt, assistant counsel; and Ruth Y. Watt, chief clerk.

Principal participants: Senator Joseph R. McCarthy, a United States Senator from the State of Wisconsin; Roy M. Cohn, chief counsel to the subcommittee; Francis P. Carr, executive director of the subcommittee; Hon. Robert T. Stevens, Secretary of the Army; John G. Adams, counselor to the Army; H. Struve Hensel, Assistant Secretary of Defense; Joseph N. Welch, special counsel for the Army; and James D. St. Clair, special counsel for the Army.

PROCEEDINGS

Senator MUNDT. The hearings will now come to order.

It is customary in hearings of this type for the chairman and the ranking member of the committee to make preliminary statements. At this time the Chair will read a brief statement outlining the purposes and procedures and the policies of these hearings.

May I ask the doorman to keep the doors closed from now on except if special guests here from Congress desire to be admitted. We will have to maintain a maximum degree of order with a crowd as large as this, in order that everybody can be fully apprised of everything that is going on.

This Permanent Subcommittee on Investigations of the United States Senate, being a subcommittee of the Senate Committee on Government Operations, has now convened in open session for the

purpose of investigating charges heretofore made by Secretary of the Army, Robert T. Stevens, and his counsel, John G. Adams, and formalized in a document dated April 13, 1954, and filed with this subcommittee, and in which a general charge is made that Senator Joseph R. McCarthy as chairman of the Permanent Subcommittee on Investigations, United States Senate, its chief counsel, Roy M. Cohn, as well as other members of its staff, sought by improper means to obtain preferential treatment for one Pvt. G. David Schine, United States Army, formerly a consultant for this subcommittee, and in which numerous specific allegations are made in support of that general charge.

It is the further purpose of this subcommittee to investigate countercharges made by Senator McCarthy, Mr. Cohn, and other members of their staff against Mr. Stevens, Mr. Adams, and Mr. Hensel, the latter of whom, as a result of these countercharges, has been advised by the subcommittee he is considered a party to this controversy with the full rights and prerogatives provided for each participant by our special rules of procedure. These countercharges were formalized in a statement signed and filed with the subcommittee under date of April 10, 1954, in which they generally allege that Mr. Stevens, Mr. Adams, and Mr. Hensel attempted to discredit what is generally referred to as the McCarthy Investigating Committee and to force a discontinuance of further attempts by that committee to expose Communist infiltration in the Army, and in which it is further charged that Mr. Stevens and Mr. Adams made constant attempts to trade off preferential treatment for Private Schine as an inducement to the subcommittee to halt its exposition of the mishandling of Communist infiltration in the military. Specific allegations are made in support of these general charges.

These charges, as well as their implications, are of such a grave and serious nature as to have caused great concern on the part of this subcommittee as well as on the part of the American people. It is therefore the purpose of this investigation to make a full and impartial effort to reveal that which is true and to expose that which is false with respect to said charges and countercharges.

While it may appear to some that there have been more delays than necessary in getting these hearings underway, let me assure you that there has been no lack of diligence and energy. It requires a considerable amount of background work to prepare the advance material required and to develop the unprecedented rules to conduct an investigation and a hearing of this type.

We have during the past several weeks devoted many long hours to the problem, literally working day and night trying to solve those problems involved in this investigation and these hearings. We have held well over 25 meetings and long conferences by our subcommittee members. Every decision, every action, and every vote has been by unanimous agreement on the part of the members of this subcommittee with the sole exceptions of the vote by which this committee assumed the responsibility for conducting the investigation, which I opposed, and the vote by which Senator Dworshak was named on the subcommittee to replace Senator McCarthy during these hearings which was opposed by Senator Dworshak. Let me add here that the committee members are deeply appreciative to Senator Dworshak for

the fact that, not being a member of this subcommittee, he has agreed as a member of the full committee to come with us and to serve during the continuation of these investigations and hearings. He comes at considerable sacrifice to himself, against his own desires, and without the background of the many meetings that the subcommittee members have held, and, Henry, we appreciate the fact that you have come at our request to serve on this committee.

I want to express my personal appreciation to every member of this subcommittee for the unprecedented cooperation and dedication to purpose which has resulted in this long, unprecedented, and unbroken series of unanimous decisions.

It is our joint determination to conduct these hearings with a maximum degree of dignity, fairness, and thoroughness. We enter our duties with no prejudgments as to the verities in this controversy. We propose to follow the evidence wherever it leads and to give every party in this dispute the equitable treatment and consideration to which he is entitled. We have here engaged in this controversy responsible men holding responsible positions and we shall expect them to proceed in the responsible manner which their positions should require. In this spirit, the Chair hopes and expects that each participant in this dispute will offer in sworn testimony only such statements as are capable of demonstrable proof. We have adopted a series of nine special rules for this committee investigation which were approved by unanimous action both by the subcommittee and the full Committee on Government Operations. These nine rules have by now been widely publicized. Not only were they adopted unanimously but they are strictly within the framework of agreement which was reached in consultation with all of the major members and parties involved in this dispute.

We would like to reaffirm at the outset that due to the unusual circumstances of this inquiry and the positions held by the disputants, it seemed desirable to evolve rules of procedure which are somewhat of a departure from the usual rules for congressional inquiries or investigations. It is not our intention that these rules should establish a precedent which should necessarily be followed by other congressional committees or in other investigations where the circumstances differ markedly from the conditions which we have here in the current controversy.

And now the Chair would like to make two concluding comments. Under the applicable standing rules of this subcommittee, the presence of one subcommittee member at these hearings shall constitute a quorum. This rule prevails in our subcommittee as a standing rule, solely to make certain that in the case of a test in the courts there can be no legal question raised as to whether at any given time a quorum of the subcommittee was in attendance. However, as the temporary chairman of the subcommittee during these hearings, I pledge you now that I shall not conduct these hearings at any time that both of our political parties are not represented on the subcommittee.

Since our labors began on the task in hand, numbers of our colleagues and many commentators have suggested to the members of this subcommittee that—to use a colloquialism—“We are on the spot.” That statement is definitely correct. In a larger sense, however, to continue the colloquialism, the Chair would like to suggest now that

everybody at this end of the committee room is equally and likewise on the spot. Each participant in this dispute, like each member of our subcommittee, will be carefully checked and watched. The counsel for our subcommittee, Mr. Jenkins, is likewise on the spot, representing as he does neither side of this dispute, but serving rather to help guide our entire subcommittee in its search for facts. Our friends reporting these hearings throughout America by radio and television are likewise being tried and tested by citizens everywhere, demanding what I am confident they will receive—fair and impartial coverage with no deletions or selections calculated to give advantage to one participant or the other in these hearings. And the diligent members of the working press, of whom we have seen so much these last few weeks, seated here before us now, are also on the spot as they strive with the great abilities and high sense of honor that I know they possess to give Americans the same facts and reports to read that millions of our citizens will hear or see on television screens or radio.

We are happy to have as many guests at these hearings as this spacious room will reasonably accommodate. We ask only one condition in return, and I hope that those now guests of this committee will listen to this carefully, to the end that these hearings may proceed with due decorum and with equal justice to all, we must insist that there be no demonstrations of approval or disapproval of any kind at any time from the members of the audience.

And as chairman I now instruct the officers who are in the room with no further word from the Chair to ask anybody initiating or participating in such demonstrations to leave the room forthwith, and immediately. You are here as our guests and we want nothing to occur to disrupt the decorum of the committee.

The reputations, the actions, and perhaps the integrity of responsible public officials are being challenged in these hearings. Under these circumstances, it is right and proper that each of us at this end of the committee room considers himself in a sense to be on trial to the extent that all of us have the obligation to do our best to enable justice and equity to prevail throughout these unprecedented hearings.

I am confident that each of us on this subcommittee will zealously and earnestly strive to fulfill that solemn obligation.

It gives me a great deal of pleasure now to call on my good friend, my faithful colleague, my able associate, senior Senator from the State of Arkansas, ranking member of this committee, to add some words of comment at this time.

Senator McCLELLAN. Thank you, Mr. Chairman.

On behalf of the minority members, I wish to commend you for the very frank, full and thorough statement you have made at the beginning of these proceedings. I can add very little to it. I would like to say, however, on behalf of the minority members of this subcommittee, that we exceedingly regret the events and the circumstances that have become the subject of this inquiry. However, the charges and countercharges that gave rise to this controversy are of such a grave nature as to make these proceedings mandatory. The charges and accusations are so diametrically in conflict that, as I see it, they cannot possibly be reconciled.

This committee, therefore, has the responsibility and the duty in the course of these hearings to develop the facts, and to establish the

truth or the falsity of the accusations that have been made. It will be an arduous and a difficult task, one that is not pleasant to contemplate, but it is a job that must be done.

Mr. Chairman, we, the Democratic members, will wholeheartedly undertake to cooperate with and assist the majority in making these hearings impartial, fair and thorough, to the end that that which is true may be revealed and that that which is false may be exposed without regard to any personalities that may be involved.

Senator MUNDT. Thank you very much, Senator McClellan.

Our counsel, Mr. Jenkins, will now call the first witness.

Senator McCARTHY. A point of order, Mr. Chairman. May I raise a point of order?

I note that the specifications filed here by Mr. Stevens and Mr. Adams are entitled, "Filed by the Department of the Army," and if I understand, the committee unanimously voted that Mr. Stevens, Mr. Hensel, and Mr. Adams were parties to this dispute, but the Department of the Army has never been made a party to this dispute.

I may say, Mr. Chairman, that I have heard—may I have the attention of the Chair—may I say, Mr. Chairman, that I have heard from people in the military all the way from generals, with most upstanding combat records, down to privates recently inducted, and they indicate they are very resentful of the fact that a few Pentagon politicians, attempting to disrupt our investigations, are naming themselves the Department of the Army.

I would suggest that the Chair direct Mr. Hensel, Mr. Stevens, and Mr. Adams in the future not to list themselves as Department of the Army, but list themselves as individuals, who they are—individuals who are here to prove that a private in the Army got special consideration.

The Department of the Army is not doing this. It is three civilians in the Army, and they should be so named.

Senator MUNDT. The Chair will say that the statement of Mr. Stevens is not before it at the present time. Mr. Stevens is not the first witness. You may raise your point of order again if you so desire at the time Mr. Stevens is called.

Senator McCARTHY. Mr. Chairman, I do not want to take your time unduly, but we have before us as part of the record the specifications, call them what you may, dated April 13, 1954. These specifications were filed after the committee had ordered Mr. Stevens and Mr. Adams to file specifications. I maintain it is a disgrace and reflection upon everyone of the million outstanding men in the Army to let a few civilians who are trying to hold up an investigation of Communists, label themselves as the Department of the Army. I do think——

Senator MUNDT. The Chair will hold that the point of order should not be raised at this time.

Senator McCARTHY. May I finish? I do not want to take the Chair's time, but I do think, at the proper time, and you may not want to do it now, I do think at the proper time there should be stricken from this document the Department of the Army and substituted Mr. Stevens, Mr. Adams, and Mr. Hensel.

Senator MUNDT. Counsel will call the first witness.

Senator McCLELLAN. Mr. Chairman?

Senator MUNDT. Senator McClellan.

Senator McCLELLAN. At this point, in view of the question that has been raised by Senator McCarthy that the Army is not involved, I wish at the same time to raise the question for the committee's consideration, when it passes on the point of order raised by the distinguished Senator from Wisconsin, that in filing the statement of charges and specifications on the part of himself, Mr. Cohn, and Mr. Carr, his statement is signed, "Joe McCarthy, Chairman."

Mr. Chairman, I raise the question, then, that the Senate Investigating Committee then would not be involved if the Army is not involved, and therefore I would move to strike the word "Chairman."

Senator MUNDT. The Chair would suggest that both of the points of order be delayed until the point of order raised by the Senator from Wisconsin can be legitimately made at the time Mr. Stevens is called to make a statement.

Senator McCARTHY. May I say I have no objection to Mr. Stevens signing his name as Secretary of the Army on this report. I have no objection to Mr. Adams signing his title as legal counsel for the Army. I have no objection to Mr. Hensel signing his title to it. What I object to is the attempt to make this a contest between me and the Army. I have unlimited respect for 99 percent of the loyal people who make up this Army. I do not have any respect for the civilians in the Pentagon who have been working night and day to attempt to shift an investigation of communism, Communist infiltration, into an investigation of one private in the Army. If we are in that investigation of the private, and I think we have to go through with it—may I have your attention, Mr. Chairman—let us keep the situation in the proper perspective.

Senator MUNDT. You will be overruled at this time because it is not appropriate. You may present it at the proper time.

Senator McCARTHY. I would like to make it very clear that there is no contest between Senator McCarthy and the Department of the Army. All that Senator McCarthy has been trying to do is expose the Communists who have infiltrated the Department of the Army, a very small percent.

Senator MUNDT. The counsel will call the first witness.

Senator McCLELLAN. I would like to make it equally clear that there is no controversy between members of this committee and the other parties involved in this controversy.

Senator MUNDT. The Chair suggests that perhaps reading the official presentation which is before this committee will clarify both of these points of order. I shall reread the first two paragraphs so that this is eminently clear all the way around:

This Permanent Subcommittee on Investigations of the United States Senate, being a subcommittee of the Senate Committee on Government Operations, has now convened in open session for the purpose of investigating charges heretofore made by Secretary of the Army, Robert T. Stevens, and his counsel, John G. Adams and formalized in a document dated April 13, 1954, and filed with this subcommittee, and in which a general charge is made that Senator Joseph R. McCarthy as chairman of the Permanent Subcommittee on Investigations, United States Senate, its chief counsel, Roy M. Cohn, as well as other members of its staff, sought by improper means to obtain preferential treatment for one Pvt. G. David Schine, United States Army, formerly a consultant for this subcommittee, and which numerous specific allegations are made in support of that general charge.

It is the further purpose of this subcommittee to investigate countercharges made by Senator McCarthy, Mr. Cohn, and other members of their staff against Mr. Stevens, Mr. Adams, and Mr. Hensel, the latter of whom, as a result of these countercharges, has been advised by the subcommittee he is considered a party to this controversy with the full rights and prerogatives provided for each participant by our special rules of procedure. These countercharges were formalized in a statement signed and filed with the subcommittee under date of April 10, 1954, in which they generally allege that Mr. Stevens, Mr. Adams, and Mr. Hensel attempted to discredit what is generally referred to as the McCarthy investigating committee and to force a discontinuance of further attempts by that committee to expose Communist infiltration in the Army, and in which it is further charged that Mr. Stevens and Mr. Adams made constant attempts to trade off preferential treatment for Private Schine as an inducement to the subcommittee to halt its exposition of the mishandling of Communist infiltration in the military. Specific allegations are made in support of these general charges.

That seems to make it very clear by identifying the participants involved, which the scope of this inquiry is intended to adjudicate.

Mr. Counsel, you may call the first witness.

Mr. JENKINS. Mr. Chairman, I should like to call as the first witness for Mr. Stevens, Mr. Adams, and Mr. Hensel, Maj. Gen. Miles Reber.

Senator MUNDT. Will you stand and be sworn, General Reber?

Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

General REBER. I do, so help me God.

Senator MUNDT. You may be seated.

We will proceed.

TESTIMONY OF MAJ. GEN. MILES REBER

Mr. JENKINS. Will you please tell this committee your full name?

General REBER. Miles Reber.

Mr. JENKINS. Your rank?

General REBER. Major General, United States Army.

Mr. JENKINS. Where are you presently stationed, General?

General REBER. I am now Commanding General, Western Area Command, United States Army, Europe, with station at Kaiserslautern in Germany.

Senator McCARTHY. I wonder if you could identify counsel for Mr. Reber who is sitting beside him.

Mr. HENSEL. I happen to be sitting beside him, and I am not counsel for General Reber. Senator McCarthy knows well who I am, and so does everyone else here.

Mr. JENKINS. You are Mr. Hensel?

Mr. HENSEL. That is correct.

Mr. JENKINS. Have you recently flown here, General Reber, for the purpose of testifying in this controversy?

General REBER. Yes. I left Germany on Sunday, and arrived here on Monday.

Mr. JENKINS. Where were you stationed, General, as of July 8, 1953?

General REBER. On July 8, 1953, Mr. Jenkins, I was Chief of Legislative Liaison of the Department of the Army, stationed here in Washington, D. C.

Mr. JENKINS. At that time, were you personally acquainted with Senator McCarthy?

General REBER. Yes, sir.

Mr. JENKINS. With Mr. Roy Cohn?

General REBER. Yes, sir.

Mr. JENKINS. With Mr. Carr?

General REBER. Yes, sir.

Mr. JENKINS. In short, what were your duties as of July 8, 1953?

General REBER. I was charged, as Chief of Legislative Liaison of the Department of the Army, with three major missions. Those missions were to formulate, coordinate, and supervise the legislative policies and programs of the Army except for matters pertaining to appropriations.

The second point was to insure the maintenance of proper relations between the Congress and the Army.

And the third point was to advise the Secretary of the Army and the Chief of Staff on the status of congressional relationships and on developments affecting Army interests in proposed legislation.

Mr. JENKINS. On or about July 8 of last year, did or did not you receive a call from Senator McCarthy and/or any member of his staff?

General REBER. Yes, sir. On the afternoon of July 8, I received a call from Senator McCarthy.

Mr. JENKINS. That was a telephone call?

General REBER. Yes, sir, Mr. Jenkins.

Mr. JENKINS. I will ask you to now tell the committee what the purpose of the call was as expressed by Senator McCarthy at that time.

General REBER. Senator McCarthy requested that I come to his office to see him at that time.

Mr. JENKINS. As a result of that request, did you go to his office?

General REBER. Yes, sir, I did, on the afternoon of Wednesday, July 8.

Mr. JENKINS. And was anyone present when you arrived at his office, besides Senator McCarthy?

General REBER. My first conversation was with the Senator alone in his office.

Mr. JENKINS. I will ask you at this time, General, to relate to this committee the conversation verbatim as well as you can remember it.

General REBER. At that time, Senator McCarthy informed me that he was very much interested in obtaining a direct Reserve commission for his consultant, Mr. G. David Schine.

Mr. JENKINS. Did you know G. David Schine at that time?

General REBER. I did not know him personally.

Mr. JENKINS. Had you heard of him?

General REBER. Yes, sir; I had.

Mr. JENKINS. Proceed with the conversation.

General REBER. The Senator pointed out as I recall it that he felt that Mr. Schine because of his background of investigative experience with the committee was fully qualified for a commission.

Mr. JENKINS. What else, if anything, did Senator McCarthy state to you on that occasion?

General REBER. At about that time, as I recall it, a few minutes after I initiated my conversation with the Senator, Mr. Roy Cohn came into the room. Mr. Cohn also emphasized it.

Mr. JENKINS. Was Mr. Cohn chief counsel for Senator McCarthy and his committee at that time, that is for Senator McCarthy?

General REBER. Yes, sir; he was.

Mr. JENKINS. All right, you may proceed.

General REBER. Mr. Cohn came into the room, and he further emphasized the qualifications of Mr. Schine for a commission.

Mr. JENKINS. Will you state what qualifications Mr. Cohn claimed to have been possessed by Mr. Schine at that time?

General REBER. Mr. Cohn informed me that Mr. Schine had been a junior ship's officer in the Army Transport Service, and had served in that capacity for approximately 1 year beginning in the fall of 1946 on the United States Army Transport *General Widner*, and that Mr. Schine had at that time the assimilated rank of a first lieutenant.

Mr. JENKINS. Did he or not at that time state to you anything with reference to Mr. Schine's special qualifications by reason of his training and background in the detection of infiltrations of communism in the Army?

General REBER. To the best of my recollection, I believe that he mentioned at that time Mr. Schine's qualifications as an investigator and I do not recall any specific conversation about communism.

Mr. JENKINS. Do you recall any other material statement made on that occasion by either the Senator or his counsel, Mr. Cohn?

General REBER. Yes, sir.

Mr. JENKINS. Please state it.

General REBER. It was emphasized to me that there was a very definite necessity for speed in looking into the possibility of obtaining this commission, because the status of Mr. Schine under the Selective Service Act was apparently about to change.

Mr. JENKINS. Is that or not in substance the conversation on that occasion?

General REBER. There is one additional fact, sir.

Mr. JENKINS. What is that, General?

General REBER. That was that I requested Mr. Cohn to furnish me a biographical background of Mr. Schine in order that I might look into this question thoroughly for the Senator. I also stated, as I recall it, to the best of my ability, that I would proceed to look into this thing as carefully as I possibly could and take what action that I properly could at that time. Senator McCarthy also requested me to keep Mr. Cohn thoroughly posted on the progress of my investigation. That, in substance, was the conversation I had with Senator McCarthy and Mr. Cohn on the afternoon of July 8th of last year.

Mr. JENKINS. As a result of what was said, were you or not furnished with a biographical background of Mr. Schine?

General REBER. Yes, sir; I received that biographical background the following morning, Thursday, July 9, and I received a second copy of it through the mail on the afternoon of July 9. The first copy came by riding page from the Senate.

Mr. JENKINS. Did anyone from the McCarthy committee contact you on the following day, that is July 9, 1953?

General REBER. I believe the only contact that was made at that time was made by me directly with the McCarthy committee myself.

Mr. JENKINS. You initiated that contact?

General REBER. Yes, sir.

Mr. JENKINS. To whom did you talk?

General REBER. I talked to Mr. Cohn, sir.

Mr. JENKINS. What, if anything, was said by Mr. Cohn on that occasion with reference to Schine?

General REBER. In order to clarify my conversation, I believe I should give for the record the actions that I took that morning in order to explain my conversation with Mr. Cohn.

Mr. JENKINS. Will you do so, General?

General REBER. Upon my return to the Pentagon on the evening of July 8, it was late and it was too late for me to take any action on this case. The next morning after the receipt of the biographical data, I then called the acting chief of transportation, Brig. Gen. Paul Yount, and I asked him without giving him any names of the people involved in this case, whether or not an individual who had served for a year or approximately a year as a ship's officer, junior ship's officer, in the Army Transport Service, in 1946 and 1947, and who was otherwise physically and mentally qualified for a commission, whether or not an individual with those particular qualifications, could be given a direct commission in the Officers' Reserve Corps. General Yount, after looking into that matter called me back and informed me that it appeared that an individual with those qualifications could probably be commissioned in the Reserve Corps of the Transportation Corps.

Mr. JENKINS. Could probably?

General REBER. Yes, sir.

Mr. JENKINS. Very well. You may proceed.

General REBER. My next step then, very frankly, because I considered it my duty because of the importance of this particular case, was for me to consult with Gen. John E. Hull, who was then Vice Chief of Staff of the Department of the Army.

On that particular day, I believe that Gen. Lawton Collins, who was Chief of Staff, was absent from Washington.

So I felt it my duty to report to General Hull this specific case to make my recommendations to General Hull and to receive his approval or disapproval of those recommendations.

Senator MUNDT. Is that Hull or Hull?

General REBER. Hull, H-u-l-l.

Senator MUNDT. Thank you.

General REBER. I reported personally to General Hull the essence of my conversation with Senator McCarthy and Mr. Cohn on the preceding day. I also reported to him that I had discussed the matter that morning with General Yount, without mentioning any names to General Yount, and that General Yount had told me that apparently an individual with those qualifications could receive a commission.

I then recommended to General Hull that I process the case in accordance with the then current Army regulations.

General Hull gave me a specific instruction that the case was to be processed entirely in accordance with then current Army regulations.

I also asked General Hull because of the importance of the case as to whether or not he desired me to inform the Secretary of the Army of this case. General Hull informed me that he desired me to so inform the Secretary, and I did that. I do not believe I did it on

that actual day, because I believe Mr. Stevens was also out of town on that particular day.

After these conversations, I then called Mr. Cohn and requested that Mr. Schine be sent over to the Pentagon building as soon as possible so that we could begin processing him for a possible commission.

Mr. JENKINS. Was that done?

General REBER. Yes, sir; it was.

Mr. JENKINS. Do you have any personal knowledge of what occurred when Mr. Schine appeared for the purpose of being processed?

General REBER. Yes, sir.

Mr. JENKINS. Will you relate that, please?

General REBER. From a consultation of all available records in the Department, and from my own personal recollection of the case, on the afternoon of Wednesday, July 15, one of the members of my staff reported to me that he had received a telephone call from Mr. Schine. I believe, to keep the record straight, I should insert that prior to that time and shortly after my conversation with General Yount and General Hull, I had informed three members of my personal staff of this request for a commission in order that they might be able to act in the event that I did not happen to be in the office when Mr. Schine came in. Those members were Col. Ralph C. Bing, who was then my deputy, Col. John P. Maher, who was then the Executive Officer of the Office of Legislative Liaison, and also Lt. Col. F. J. Bremmerman, who is the Assistant Executive Officer.

Now to return to July 15: On the afternoon of July 15, Colonel Bremmerman reported to me that he had received a call from Mr. Schine who stated, in effect, that he desired to come over to the Pentagon that afternoon and hold up his hand. I instructed Colonel Bremmerman—

Mr. JENKINS. What is the significance of the statement "hold up his hand"?

General REBER. To me the significance of "to hold up his hand" meant to be sworn in as a Reserve officer that afternoon.

Mr. JENKINS. Very well.

Senator McCARTHY. Mr. Chairman, may I raise a point?

Senator MUNDT. Do you have a point of order?

Senator McCARTHY. As a point of order, I assume these hearings are going to continue for quite some time, and the thought occurred to me now as to whether or not we will allow hearsay evidence. I think that obviously the Chair must be lenient to a certain extent in allowing hearsay. I know you do not follow the court rules. On the other hand, if evidence of any importance is put in by way of hearsay, I believe the individual who is quoted should be available and put under oath and be sworn. I make that point because the general is repeating hearsay.

Senator MUNDT. May the Chair reply that the screening committee, in reading the first statement submitted officially under the 24-hour rules, which was yesterday, had that before it. That statement included some testimony which was not direct testimony. We decided informally among ourselves, and tentatively, that in such circumstances we would try to give as much reasonable latitude as we could so that each party to the dispute could present his case in his best light.

provided the witnesses would be available to give direct testimony if they were required. That rule will hold here.

Senator McCARTHY. May I say, Mr. Chairman, I would agree with that rule, but I agree it would be impossible for Mr. Jenkins to present a complete case unless he did at times allow hearsay testimony. But my only thought is that where hearsay testimony of any importance is put in, that then the witness be available if any individual wants to call him.

Senator MUNDT. That may be done. And I might add, as the very experienced attorney and counsel, the first reaction of Mr. Jenkins yesterday upon the reading of the statement was that we eliminate everything that was not direct testimony. And we said perhaps in the interest of illuminating the hearings and expediting them we should give some latitude providing the witnesses are available. We are proceeding on that basis.

Senator McCARTHY. I think that is agreeable.

Mr. JENKINS. If those witnesses are not available, Mr. Chairman, and if they are not produced as witnesses, I certainly will not insist upon hearsay testimony.

Senator MUNDT. Very good. You may proceed, General.

Mr. JENKINS. Now, General, will you proceed with your statement?

General REBER. After receiving this message from Colonel Bremmerman, I instructed Colonel Bing and Colonel Bremmerman to process Mr. Schine—

Senator MUNDT. Could you speak a little louder? Or maybe pull the microphones a little closer.

General REBER. Yes, sir.

After receiving the contents of this telephone message from Lieutenant Colonel Bremmerman, I instructed Colonel Bing and Colonel Bremmerman to process Mr. Schine strictly in accordance with the regulations when he came over to the office that afternoon.

I was informed that afternoon that Mr. Schine did come. I know that he was in the office. I know that he started filling out his application for a commission, and I have seen the official record of the physical examination that he took that afternoon.

There seemed to be considerable difficulty that afternoon—there was considerable difficulty that afternoon—in getting Mr. Schine to fill out a full application. Colonel Bing reported to me that Mr. Schine seemed to have an attitude of haste and impatience. I then personally spoke to Mr. Schine—

Senator McCLELLAN. Mr. Chairman?

Senator MUNDT. A point of order by Mr. McClellan.

Senator McCLELLAN. I am sorry to interrupt, but I want to know if Colonel Bing is going to be a witness to corroborate that statement.

General REBER. I do not know, sir.

Senator McCLELLAN. I do not believe that testimony would be proper unless Colonel Bing is going to be here to back it up.

Senator MUNDT. Under our rule, I think the Chair would have to sustain the point of order unless the colonel is called as a witness.

Senator McCLELLAN. It would call for an opinion of this witness as to what somebody else told him, and I do not think it would be quite proper.

Mr. WELCH. Mr. Chairman, I am informed Colonel Bing is in Kentucky and can be made available.

Senator MUNDT. If he can be made available, the statement may stand.

General REBER. I received, then, this report from Colonel Bing, which I understand he will be asked to testify about later. I then personally saw Mr. Schine and explained to him the necessity for filling out—

Senator McCARTHY. May I have identified for the record the gentleman to Mr. Reber's left who just spoke?

Senator MUNDT. He is Mr. St. Clair, who is the associate counsel with Mr. Welch. I am sorry, it was Mr. Welch himself. Mr. Welch and Mr. St. Clair are two of the members of the counsel for Mr. Stevens, Mr. Adams, and Mr. Hensel.

Senator McCARTHY. Thank you.

General REBER. I then saw Mr. Schine very briefly that afternoon and explained to him the necessity for going through the full process of trying for a commission under his own personal signature and of receiving the necessary physical examination and processing. I then, because of another appointment on Capitol Hill, did not follow the case for the rest of the afternoon. When I returned to my office at approximately 5:30 or a quarter to six that evening, Mr. Schine had left.

He left with us an application that was not completely filled out. On the next day, Thursday, July 16, it was necessary to get hold again of Mr. Schine to have him fill in some of the data that was not complete in this particular necessary application for a commission.

Further that day, as I recall, to the best of my ability, it was also necessary for me to send the application over to the Capitol to Mr. Cohn to request him to send it to Mr. Schine for a final piece of information. That application was sent to Mr. Schine through Mr. Cohn, and it was returned either late that evening or the next morning early by Mr. Cohn's office to me.

That brings us up to Friday, July 17.

On that date the Adjutant General of the Army started processing Mr. Schine's application for a commission. Because of his previous service in the United States Army Transport Service, it was first sent to the Transportation Corps of the Army.

The application was found by the Transportation Corps of the Army that Mr. Schine was not qualified under the then current regulations for a direct commission in the Reserve Corps of the Transportation Corps because his actual service in 1946 was not in what we would normally term the capacity of a junior ship's officer, that is, an officer having navigational responsibility for the ship, but it was more in a position of a purser.

The commission was also thoroughly processed by the Office of the Provost Marshal General because of Mr. Schine's investigative background. That office found that he was not qualified under the then current regulations.

Likewise because of his investigative background, I had an informal inquiry made in the Office of the Chief of Psychological Warfare, and I was informed that he was not qualified for that, because one of the

prerequisites for a commission in the Office of Psychological Warfare is 3 years of prior military experience, which Mr. Schine did not have.

During this period and up until the end of the month of July, I received numerous telephone calls from Mr. Cohn urging speed in this case, and urging a favorable result as soon as possible.

Mr. JENKINS. How many telephone calls would you estimate you received, General?

General REBER. I could only make an estimate, Mr. Jenkins, because of course I did not keep a record of those telephone calls, but I would say that at times I received 2 and 3 telephone calls a day, and there were other days, of course, on which I received either 1 or no telephone calls. But I received consistently throughout that period possibly an average of two telephone calls.

Mr. JENKINS. And will you state again what period that embraced?

General REBER. It embraced the period from approximately July 17 until the end of the month, approximately July 30 or 31. In this connection I also received 2 or 3 telephone calls directly from the Senator on the same situation.

Senator McCARTHY. I missed his answer.

Mr. JENKINS. He received during that period, that is, the middle of July to the latter part of July, some 2 or 3 calls from the Senator.

Senator McCARTHY. Saying what?

Mr. JENKINS. Of the same general tenor, as I understood him.

Is that what you said?

General REBER. Two or three telephone calls from you, Senator, urging the necessity for speed in this case.

Mr. JENKINS. Very well.

Senator MUNDT. Could you lift your voice just a little louder? It is hard to hear.

General REBER. On Thursday, July 23, 1953, I was informed by the Adjutant General that Mr. Schine's application for commission had been thoroughly processed and had been found that he was not qualified for a direct commission in the Reserve Corps of the Army under the then current qualifications or requirements for such commission. I so informed Mr. Cohn by telephone as I had agreed to keep Mr. Cohn thoroughly posted during the entire processing of this case.

At the same time I notified Mr. Cohn of one additional prospect.

At that time in July of 1953, the Commanding Generals of the six Continental Army areas, in which the United States is divided, had authority on their own to award direct commissions for specialists to fill existing vacancies in their own organization. I conferred with the technical people in the Office of the Adjutant General about this possibility, and on the 23d of July when I was informed that the application for commission had been processed by the Department, and had been denied, I then started the machinery rolling to have Mr. Schine considered for a direct commission to fill a specific vacancy by the Commanding General, First Army, at Governors Island in New York, because Mr. Schine was then a resident of New York City.

The actual processing of that application was sent by the Adjutant General to the Commanding General of the First Army. My office kept in touch with this processing by telephone.

Between the period July 23-24 and the end of the month, Mr. Schine's application was considered thoroughly by a board of officers

appointed specifically for that purpose by the Commanding General, First Army. That board found that Mr. Schine was not qualified to fill any specialist vacancy that existed in the First Army at that time. I received that information, as I recall it, on either the 29th or 30th of July, and I am not exactly sure which date.

I then telephoned that information to Mr. Cohn, as soon as I received it.

About that time, either just before or just after I sent Mr. Cohn this information, I was asked by him, by telephone, to inquire as to the possibility of obtaining a commission for Mr. Schine in the Department of the Air Force or the Department of the Navy. In response to that request, I telephoned first to Maj. Gen. Robert E. L. Eaton, who at that time was director of legislative liaison of the Department of the Air Force.

In my conversation with General Eaton, I did not use any names. I merely asked General Eaton, and I stated to him, of course, that he knew that I was the legislative liaison business and he knew my requests came from Members of Congress and I did state to him that I had a specific request from a Senator to determine whether or not an individual with the following qualifications could be given a direct commission in the Department of the Air Force, and I then outlined Mr. Schine's qualifications as they had been furnished officially to the Department of the Army.

General Eaton replied that at the time the Department of the Air Force was not giving any direct Reserve commissions of any kind.

I then endeavored to reach Adm. Ira Nunn, who was then Judge Advocate General of the Navy. I was not able to reach him, and I then talked to Comdr. James Carnes, the existing officer of the Legislative Division, Office of the Judge Advocate General of the Navy. Again, in my conversation with Commander Carnes, I gave no names. I merely outlined the qualifications of the individual.

Commander Carnes, after doing some checking, as I recall it, called me back and stated that the Navy's requirements for direct commissions in the Naval Reserve Corps at that time were substantially the same as those of the Army, and he emphasized the fact that one of the Navy's specific requirements was prior military service.

I then informed Mr. Cohn of the results of those two conversations.

MR. JENKINS. General, is that now the end of your connection with the so-called "efforts" to procure preferential treatment for Schine?

General REBER. There was one other episode in which I was—yes, I was directly connected; yes, sir.

MR. JENKINS. Is it material to the issue?

General REBER. No, sir; I do not believe it is.

MR. JENKINS. Let us stop there.

General REBER. Right, sir.

MR. JENKINS. Now, General, I want to make myself clear. I do not represent Mr. Adams, Mr. Stevens, Mr. Hensel, nor do I represent the Senator and the members of his staff, but I represent this committee. It now becomes my duty to, certainly to the extent that I deem proper, and in order that this committee may determine the weight to be given to your testimony, cross-examine you.

General Reber, you, in your position with the Army, receive many telephone calls from many Senators, Congressmen, administrative

officials, and others, with reference to the inductees, draftees, or those about to become so, did you not?

General REBER. Yes, Mr. Jenkins, I did.

Mr. JENKINS. And that has been common practice, I would say, since the time to which your memory runneth not to the contrary, is it not?

General REBER. Yes, sir.

Mr. JENKINS. So that these telephone calls and conversations from Senator McCarthy, we will discuss him first, were not unusual, were they?

General REBER. No, sir; telephone calls from Senators were not unusual.

Mr. JENKINS. Did you at any time feel that Senator McCarthy was high-pressuring you?

General REBER. No, sir; I cannot say that I felt that he was high-pressuring me to a great extent. I was sure that he wanted a favorable answer. I could tell that.

Mr. JENKINS. You knew of the tremendously important work in which Senator McCarthy was then engaged, did you not?

General REBER. I certainly did, sir.

Mr. JENKINS. And that was the investigation of Communists and of the infiltration of Communists in industry, in every branch of the Government, as well as in the Army?

General REBER. That was my understanding.

Mr. JENKINS. General, you would regard that as work than which there could possibly be no more important work insofar as the security of the Nation is concerned, would you not?

Mr. JENKINS. It would have top billing and top priority over everything else, that is correct, is it not?

General REBER. I certainly think it is vital, sir.

General REBER. I have to be very frank, sir, I am under oath. I cannot say over everything else, but it would be very high priority.

Mr. JENKINS. Does any endeavor on the part of any individual or group of individuals occur to you as being more important and especially at this particular time, than that of the tracking down and ferreting out of Communists or those with Communistic leanings whether they be in the Army or anywhere else in this country?

General REBER. Certainly not to my knowledge, sir.

Mr. JENKINS. And that was the work that Senator McCarthy was doing, was it not?

General REBER. Yes, sir.

Mr. JENKINS. And that was the work that he told you that G. David Schine was doing, was it not?

General REBER. That is correct, sir.

Mr. JENKINS. And so in evaluating these telephone calls and contacts from Senator McCarthy to you, with respect to G. David Schine, one would have to, and I am sure you did, take into consideration not only the individual but the character and the importance of the work in which he was engaged. That is correct, is it not?

General REBER. I certainly did, sir.

Mr. JENKINS. And you were told and you know, or rather you were told, by both Senator McCarthy and Mr. Cohn that Schine was an expert, trained investigator, with a background of experience, pos-

sessing a peculiar knowledge of what constituted a Communist and the means and best methods available of detecting a Communist. They told you that, did they not?

General REBER. Yes, sir; they did.

Mr. JENKINS. Now, General, you have spoken of numerous calls, some, I believe, 3 or 4, from Senator McCarthy and numerous others from Mr. Cohn. Taking into consideration the vital work in which they told you Schine was engaged, I believe you say that you did not regard the efforts of Senator McCarthy as being improper in any respect in his efforts to get some, shall we say, preferential treatment for Schine so that he could assist in carrying on this investigative work of the Senate; is that right?

General REBER. I believe, Mr. Jenkins; I said that I did not consider that Senator McCarthy's telephone calls to me were out of the normal amount—I will not say normal, out of the experience that I had had before in cases of this kind. I do not believe I said anything about the propriety of those calls.

Mr. JENKINS. What about Mr. Cohn?

General REBER. I felt that Mr. Cohn was persistently after me, sir. That is the feeling that I had all during this performance.

Mr. JENKINS. Did you feel that Mr. Cohn's efforts on behalf of this boy engaged in this particular line of endeavor along with Mr. Cohn and the Senator were improper?

General REBER. I felt this, Mr. Jenkins. I felt that in view of the position of the committee staff, that I was being put under definite pressure, because I know, sir, that there is a specific proviso whereby an individual who is considered to be sufficiently important to the national safety, health, and interest, that he should remain on his then current duties, that individual can be exempted from selective service.

Mr. JENKINS. Do you know whether or not any application had been made by Schine with his selective service board to be exempted or deferred on account of this vital work in which he was engaged?

General REBER. I do not, sir.

Mr. JENKINS. You do not. Now, General, you know the character of work being carried on at Fort Monmouth, do you not, or you know of it, and at the time?

General REBER. I know of it; yes, sir.

Mr. JENKINS. Did you know that at that time, that is, July 1953, and perhaps before that time, the McCarthy Investigating Committee was laying the groundwork for an investigation of Communist infiltration at Fort Monmouth?

General REBER. I did not, in July of 1953, know that.

Mr. JENKINS. You later learned that fact; did you not?

General REBER. I did, Mr. Jenkins.

Mr. JENKINS. And you later learned that as a result of the Senator's efforts, together with that of his staff, at least 38 civilian employees at Fort Monmouth were either fired or suspended because of their communistic leanings or background. That is true; is it not?

General REBER. I know that a number of—a number of approximately 33, I believe, Mr. Jenkins, were suspended. I frankly do not know the details or the reasons for their suspension.

Mr. JENKINS. Do you know that G. David Schine participated in the investigation of Fort Monmouth?

General REBER. It is my understanding that he did.

Mr. JENKINS. Fort Monmouth is the very site upon which the defenses against both the atomic and the hydrogen bomb are planned and laid; is that correct? It is the Signal Corps of the Army?

General REBER. It is the Signal Corps Research and Development Activity, sir, which is vital to the activity.

Mr. JENKINS. And there is located there radar installations, and the study of electronic devices. So that there certainly—

Senator MUNDT. May the Chair suggest that the reporter cannot interpret a nod. If you will say "yes" or "no" or qualify your answer. But a shake of the head or a nod of the head is hard for the reporter to hear.

Mr. JENKINS. So that it was vital to the interests and the safety and the security of the Nation that there, of all places, be no employee or no member of the Army at Fort Monmouth who was a doubtful security risk. That is correct; is it not?

General REBER. That certainly is, Mr. Jenkins.

Mr. JENKINS. And that is the character of work that was carried on by the Senator, the members of the staff, including Schine, and with the result that 33 questionable civilian employees were discharged or suspended. That is correct; isn't it?

General REBER. Of my own personal knowledge—

Mr. JENKINS. That is a matter of general knowledge, isn't it, General Reber; a matter of general knowledge?

General REBER. It is a matter of general knowledge, sir.

Mr. JENKINS. Yes.

General REBER. That Senator McCarthy's subcommittee investigated Fort Monmouth. It is a matter of general knowledge, also, that various people were suspended at Fort Monmouth, and I don't believe it is a matter of general knowledge as to reasons why those individuals were suspended.

Mr. JENKINS. Well, General, if only one was suspended, you would not minimize the importance and the result of that investigation. One would be one too many; would it not?

General REBER. One certainly, one subversive person would be far too many, sir.

Mr. JENKINS. I now turn the witness over to the chairman for further examination.

Senator MUNDT. Thank you, Counsel Jenkins, and may I say that you have progressively and successively asked most of the questions that I had in mind. I do have 1 or 2.

Did Mr. Carr at any time, General Reber, intercede with you in behalf of Mr. Schine?

General REBER. Not with me personally, sir.

Senator MUNDT. With you personally?

General REBER. No, I believe, and I don't want to get into the hearsay field, but I believe that there is a possibility of calls to my staff.

Senator MUNDT. To your personal knowledge—

General REBER. To my personal knowledge he did not call me, sir.

Senator MUNDT. The calls then were those made by Mr. Cohn and Senator McCarthy?

General REBER. That is correct.

Senator MUNDT. Do you know of your personal knowledge the date that Mr. Schine was inducted into the Army?

General REBER. Not the exact date, Mr. Chairman, I know of my personal knowledge that he was inducted early in November of 1953.

Senator MUNDT. The Chair does not recall your mentioning any telephone calls after about the end of July.

General REBER. That is correct.

Senator MUNDT. Was there some reason why the calls stopped at the end of July, instead of at the end of October, and did you have a transfer or were you still in the same position?

General REBER. Between the end of July and the first of October I remained as Chief of Legislative Liaison. I was actually assigned to the Office of Legislative Liaison during October.

Senator MUNDT. But the last call that you received from either Senator McCarthy or Mr. Cohn on the Schine matter was approximately the last part of July?

General REBER. That is correct, sir.

Senator MUNDT. Just one final question, I think the order to bring your testimony directly into the purview of the hearings—and let me ask you the question first from the standpoint of Senator McCarthy and then from the standpoint of Mr. Cohn. I will not ask it from the standpoint of Mr. Carr since he did not call you. Did you consider any of the calls or conversations that you had with Senator McCarthy to come under the heading of using improper means to induce or intimidate you to give Mr. Schine a commission?

General REBER. No, sir; I was not intimidated or anything like that.

Senator MUNDT. Let me ask you the same question concerning Mr. Cohn. Did you consider any of his calls or conversations to be of a nature to comprise an improper effort to induce or intimidate you to give Private Schine a commission?

General REBER. None of Mr. Cohn's calls to me were of that character.

Senator MUNDT. I think we are going to proceed with a maximum of 10 minutes without interruption.

Senator MCCARTHY. I am sorry, I cannot hear the witness. What was the last answer?

General REBER. None of Mr. Cohn's calls to me were of that character.

Senator MUNDT. Under the rules of the subcommittee, each of the members of the committee, and then the counsel for the respective sides, has a maximum of 10 minutes of questioning. The Chair will now call on Senator McClellan.

Senator MCCLELLAN. General Reber, your first contact with Senator McCarthy was on July 8, at his request, at which time you came to his office and you were there informed of what the purpose of the conference was.

General REBER. Yes, sir; Senator McClellan.

Senator MCCLELLAN. Now, there was nothing unusual or out of the ordinary in any respect that a Senator might call you or call any other representative of the Army, or any other branch of the service to ascertain if an applicant might receive a direct commission?

General REBER. Nothing unusual, Senator.

Senator McCLELLAN. In other words, that is frequently done?

General REBER. Yes, sir.

Senator McCLELLAN. And they are frequently granted, where the applicant can qualify?

General REBER. That is correct, sir.

Senator McCLELLAN. Not so much now as they were during World War II and an earlier period?

General REBER. That is correct, sir.

Senator McCLELLAN. They are quite limited in number now, I believe; is that correct?

General REBER. Very limited; direct commissions are very limited now.

Senator McCLELLAN. Now, Senator McCarthy only had with you some 2 or 3 more contacts, and that was by telephone. Did he in your presence or at any time did you learn from him that he had directed or instructed Mr. Cohn to pursue this matter with you?

General REBER. During my first conversation with Senator McCarthy and Mr. Cohn, the Senator requested me to keep Mr. Cohn fully posted on the progress of this case, and I interpreted that as being also instructions for Mr. Cohn to follow up with me.

Senator McCLELLAN. Now then, that is what I want to try to determine, whether Mr. Cohn in his contacts with you and in his telephone calls was acting in his individual capacity as a friend, we will assume, of Mr. Schine, or if he was acting as a member of the committee staff, thus representing the committee, or undertaking to represent the committee, or was he acting as the personal representative of the chairman. From your experience, from what occurred, please tell this committee how you so interpreted his contacts with you.

General REBER. I interpreted his contacts with me as being the result of that conversation which I have just described in the presence of the Senator. In other words, that he was acting with the Senator's instructions.

Senator McCLELLAN. He was acting under the instructions of Senator McCarthy. Did you understand that those instructions were to carry with it the force of the committee; that the committee, as such, was seeking the appointment, or that it was simply Senator McCarthy seeking the appointment for one of his staff members?

General REBER. I felt that it was entirely a matter of Senator McCarthy, Senator McClellan, and the committee did not enter specifically into the case, as far as I recall.

Senator McCLELLAN. I wanted to get this record clear, and since the first contact was made with you, I wanted to get it in its proper perspective as to whether the committee was involved in seeking a direct commission for Mr. Schine, or if this whole proceedings was one instituted by the chairman of the committee as a Senator and in his individual right to seek a commission for a member of his staff. Is that the way you interpreted it?

General REBER. I interpreted it as being a matter initiated by Senator McCarthy, sir, and I know of no committee action as such.

Senator McCLELLAN. You did not at any time get any impression that the committee was taking such action?

General REBER. No, sir, I cannot say that I did.

Senator McCLELLAN. Nothing was said to you by either Senator McCarthy or Mr. Cohn to indicate that the committee had any special interest in it, or was initiating the action?

General REBER. No, Senator McClellan.

Senator McCLELLAN. As to Mr. Cohn then, from there on, as I understand you, you interpreted his actions and his contacts with you as carrying out the instructions of Senator McCarthy? Or did you interpret his actions as being that of his own personal interest?

General REBER. I interpreted his action both ways.

Senator McCLELLAN. As being both, representing Senator McCarthy and of his own personal interest?

General REBER. Yes, sir.

Senator McCLELLAN. Did you interpret it as being of his own personal interest because of the language and conversations that he had with you about it?

General REBER. No, sir, not because of the language but because of the frequency.

Senator McCLELLAN. Because of the frequency? Was there anything unusual about the frequency with which you were contacted; was it out of the ordinary in cases of this character?

General REBER. Yes, sir; I received a great many more calls than I normally did in similar cases that came through either individual secretaries of Members of Congress or through committee, individuals who were on committee staffs.

Senator McCLELLAN. Have you had calls heretofore, I want to get that clear; have members of committee staffs heretofore called you with respect to applications for direct commissions in any branch of the Service? Can you recall any others?

General REBER. I cannot recall exact instances, but I believe it is fair enough to say that I have received requests of that kind.

Senator McCLELLAN. That you have received requests of that kind. You spoke, I believe, and do you want to give that impression—I got that impression, and I want you to clear it up if I am in error—you gave the impression that Mr. Schine, when he came down to the Pentagon for the purpose of holding up his hand and you asked him to process an application, that he was reluctant to do it and left without filling it out in full so as to give you all the accurate information you needed.

Do you mean to leave that impression? Is that correct, or am I in error?

General REBER. The impression I intended to leave, Senator McCarthy—I mean, excuse me, Senator McClellan—was this: That Mr. Schine felt when he came to the Pentagon Building that this business of filling out applications and going through the routine processing was of no real importance.

Senator McCLELLAN. In other words——

Senator MUNDT. I am sorry, the time of the Senator has expired.

Senator DIRKSEN?

Senator DIRKSEN. General Reber, just two or three very simple questions.

Were any written memoranda exchanged on this matter at any time? I noticed that all of these were telephone conversations or personal conversations. Were there any data, letters, written memoranda, cov-

ering this matter that was then occupying your attention in July of 1953?

General REBER. No written matters by me, Senator Dirksen, except a brief penciled series of notes which I made when I first went to Senator McCarthy's office, and then, of course, the biographical sketch which Mr. Cohn sent me on the morning of July 9; and then, actually, the actual processing of the application was all in writing and with the proper forwarding data throughout the official channels of the Department of the Army, yes, sir. That is all in writing.

Senator DIRKSEN. Do you recall anybody else besides the Senator or Mr. Cohn who discussed this matter with you? By that I mean members of the committee staff?

General REBER. No, sir.

Senator DIRKSEN. Insofar as you recall, only the Senator and Mr. Cohn discussed this with you?

General REBER. Yes, Senator Dirksen.

Senator DIRKSEN. One other question. Was all of this conversation carried on in good temper and with restraint?

General REBER. Yes, entirely, sir.

Senator DIRKSEN. That is all.

Senator MUNDT. Senator Jackson of Washington.

Senator JACKSON. General Reber, to follow on up on the question that you were answering in response to Senator McClellan's question at the conclusion of his interrogation, what was the reaction of Mr. Schine to the filling out of the forms? Was he reluctant to fill them out or did he want to fill them out that day and be sworn in? I did not quite get the import of your testimony.

General REBER. He apparently, and this is an opinion solely, he apparently felt that the business of filling out forms and going through with the processing, was an unnecessary routine step.

Senator JACKSON. Did he take the form with him then?

General REBER. No, he left the form with us the first night.

Senator JACKSON. As I understand it, did he fill out the entire form?

General REBER. He filled out a considerable portion of it. However, he left gaps in the form.

Senator JACKSON. What gaps?

General REBER. The only one that I remember distinctly now was the gap concerning his service with the Army Transport Service.

Senator JACKSON. When did you learn of the committee investigation at Fort Monmouth? When did that start, to your knowledge, if you know?

General REBER. In September or October of 1953.

Senator JACKSON. In September—or October of 1953?

General REBER. I am not exactly certain whether it was September or October.

Senator JACKSON. Did you know of an investigation going on at Fort Monmouth by the committee at the time of the conversations that you had with the various people in connection with this application for a commission by Mr. Schine?

General REBER. There was no investigation, to my knowledge, going on at that time.

Senator JACKSON. That is all, Mr. Chairman.

Senator MUNDT. Senator Potter, of Michigan.

Senator POTTER. General Reber, how long did you serve as Chief of the Liaison Division for the Army on Capitol Hill?

General REBER. I served as Chief, Senator Potter, for 3 years and 4 months. I served as deputy for approximately 7 years prior to that.

Senator POTTER. So you have been here about 10 years in the Liaison Division, is that correct?

General REBER. Approximately; yes, sir.

Senator POTTER. Can you tell the committee approximately how many Members of Congress have asked or made similar requests for commissions for persons, either constituents or friends that they might have?

General REBER. Senator Potter, I couldn't possibly estimate a number of cases that I have been asked to look into with reference to things like commissions over the past 10 years. It would be just a very rough guess. It is a sizable number.

Senator POTTER. It is a sizable number?

General REBER. A sizable number.

Senator POTTER. It was a part of your duties and responsibilities to service such requests, and those requests are not improper, whether they come from a Member of Congress or from a citizen in the home town or from parents?

General REBER. No, sir.

Senator POTTER. Or the individual himself, is that correct?

General REBER. That is correct, sir.

Senator POTTER. Now, General Reber, I believe you touched on this question, but you stated that neither Senator McCarthy nor Mr. Cohn intimidated you or threatened you in any way, is that correct?

General REBER. That is correct, Senator Potter.

Senator POTTER. Neither by word or by action, is that correct?

General REBER. That is correct, sir.

Senator POTTER. You stated, however, that the frequency of Mr. Cohn's calls, you felt, was unusual pressure, is that correct?

General REBER. I do, sir. I base that on my 10 years of experience.

Senator POTTER. It wasn't the normal action?

General REBER. It was more than the normal.

Senator POTTER. Did you report that activity to any superior officer or to the Secretary of the Army?

General REBER. I reported the request for a commission, as I stated, to both General Hull and to the Secretary of the Army. I made no report on the number of telephone calls or various things like that. That is something that I personally was responsible for.

Senator POTTER. General Reber, isn't it a normal procedure for a person who is seeking a commission to appear before a board of officers?

General REBER. That is correct, Senator Potter.

Senator POTTER. Did Mr. Schine appear before such a board?

General REBER. He appeared before a board of officers in New York. He did not appear before a board of officers here in Washington, because, as I understand it, there was no necessity for appearing before that board because he did not possess the necessary qualifications of experience and background to be commissioned here in Washington.

Senator POTTER. In other words, he was deemed ineligible because of lack of qualifications without the necessity of going before a board?

General REBER. That is correct, Senator Potter.

Senator POTTER. I think it might be well if you would explain to the committee just what is the United States Army Transportation Service. Is that a part of our military branch?

General REBER. Yes, sir. That is 1 of the 7 technical services of the Department of the Army that is charged with the mission of providing the necessary transportation of all kinds that the Army needs to conduct its missions both in peacetime and wartime, in the course of acquiring the necessary supplies, training the necessary personnel and carrying on the necessary research and development in the transportation field.

Senator POTTER. Did Mr. Schine, serving with that service, serve as a military man?

General REBER. I am afraid I didn't quite understand the question.

Senator POTTER. Did Mr. Schine, when he served, as I understand, with the United States Army Transportation Service, serve as a military man?

General REBER. No, sir, he did not. He was not in the Army.

Senator POTTER. And that was one of the bases upon which he was not qualified for a commission, is that correct?

General REBER. I believe the basis was more: that he was not what I would call a junior ship's officer, and in other words a ship's officer who has gone through the necessary schooling to permit him to navigate ships. I believe that was it. I am not an expert in that field, Senator Potter, but that is my understanding.

Senator POTTER. That is all.

Senator MUNDT. Senator Symington, of Missouri.

Senator SYMINGTON. General Reber, do I understand from you, sir, that all possible steps you knew of were taken in an effort to get Mr. Schine a commission?

General REBER. All possible steps that I knew of; yes, Senator Symington.

Senator SYMINGTON. My second question: Do you know on what date the Fort Monmouth investigation started?

General REBER. I don't know the exact dates.

Senator SYMINGTON. Will you submit that for the record?

General REBER. I certainly shall, sir.

Senator SYMINGTON. I have no further questions.

Senator MCCARTHY. Mr. Chairman, a point of order.

General Reber cannot submit that date. The only man who can submit that date is the chairman of the committee, myself, and I will be glad to submit that date. We did not inform General Reber when that investigation started.

Senator MUNDT. General Reber may do his best and the chairman may submit his data, and I hope they jibe.

Senator MCCARTHY. I think I know when I started.

Senator SYMINGTON. May I ask Senator McCarthy if he will submit that date to the committee?

Senator MCCARTHY. If the Senator had been with the committee on that date, he would know the date.

Senator SYMINGTON. I would like to say one thing on that. I am not sure.

Senator MUNDT. Do you have any care to resume?

Senator SYMINGTON. I have asked the questions of General Reber and made the comments I would like to make. Thank you, Senator.

Senator DWORSHAK. General Reber, your testimony indicates that you explored all possibilities available to you in an effort to get favorable action on the application of Mr. Schine.

General REBER. That, sir, was the intention of my testimony, Senator.

Senator DWORSHAK. Would you be as diligent in other cases or applications for a commission in which you knew there was an interest on the part of some Member of Congress?

General REBER. Yes, sir, I think that I would. I don't believe, frankly, that I would have moved quite as fast, because I was receiving a great many telephone calls.

Senator DWORSHAK. I don't recall of any particular interest that I have had during my congressional service in trying to get a commission for some constituent or friend, but it would appear to me that you did become very diligent in your efforts to be accommodating, you might say, or at least to get favorable action on this particular application.

General REBER. I tried to process the thing as rapidly as I possibly could, under the then current regulations of the Department of the Army.

Senator DWORSHAK. And you conferred with the various services and explored all possible approaches in order to get some action on this commission?

General REBER. I did to the best of my ability, Senator.

Senator DWORSHAK. That is all.

Senator MUNDT. Under the rules established by the committee, after the committee members have each asked the questions that they care to under the 10-minute rule, counsel for each side of the dispute may have 10 minutes to interrogate the witness.

Insofar as the chairman is able to determine, when the witness appears to be a witness supporting the position of Messrs. Stevens, Hensel, and Adams, we will ask the counsel for the Army to proceed first, and whenever the witness appears to be somebody supporting the position of Senator McCarthy and his two associates, we will ask them to appear first.

Senator MCCARTHY. It is perfectly agreeable.

Senator MUNDT. Mr. Welch and Mr. St. Clair, you have 10 minutes between you.

Mr. WELCH. I think I have but three questions for the General.

Senator MUNDT. We cannot hear you. You will have to use those microphones, and General Reber will have to speak in the same microphones.

Mr. WELCH. Let us now try a test remark. Am I doing all right?

Senator MUNDT. It is very hard to hear.

Mr. WELCH. I must have a soft voice. Will it do now?

General Reber, I think I have about three questions to ask you. Were you acutely aware of Mr. Cohn's position as counsel for this committee in the course of your conversations and contacts with him?

General REBER. I was, Mr. Welch.

Mr. WELCH. Did that position occupied by Mr. Cohn increase or diminish the interest with which you pursued the problem?

General REBER. To the best of my ability, I feel that it increased the interest.

Mr. WELCH. One more question, sir. Disregarding the word "improper" influence or pressure, do you recall any instance comparable to this in which you were put under great pressure?

General REBER. To the best of my recollection, I recall of no instance under which I was put under greater pressure.

Mr. WELCH. That is all.

Senator MUNDT. Senator McCarthy or Mr. Cohn, or both, you have 10 minutes between you.

Senator McCARTHY. I have a few questions, Mr. Chairman.

General, I am not going to ask you to name the Senators, and I don't want to embarrass them, because I think their requests undoubtedly were made in completely proper motives, but, roughly, how many requests have you received from the members of this committee from time to time for assignment or for information as to the rights of men in the military?

Again I say I don't want you to name the Senators, but roughly all told.

Senator McCLELLAN. Mr. Chairman, if the Senator will permit, I insist that he name the Senators and give the number and it will not be embarrassing to the Senator from Arkansas.

Senator SYMINGTON. Nor will it be embarrassing to the Senator from Missouri.

Senator McCARTHY. I hope this isn't counting against my 10 minutes, Mr. Chairman. If the Senators want to have the Senator's name, they can ask to have them named and I will not ask to have them named. I merely want to get the general picture. If I thought there had been improper conduct on the part of the members of this committee, I would ask that they be named. I have no indication that there was any improper conduct and I am just trying to get the general picture.

General Reber, did you get my question? The question is how many times have members of this committee requested information from you as to how to process an application for a commission, how to process, for example, a hardship release, what you would call consideration for a man in the military.

General REBER. Senator, I would like to be able to answer that question specifically. I will have to answer it this way, that I got approximately 1,000 cases in my office a week. That is over 10 years, that is a lot of cases.

I know that I have received many, many requests for information of all kinds from members of this subcommittee.

Senator McCARTHY. And in some cases you were successful where there was a request for a commission, in having a case processed so the commission was granted?

General REBER. That is correct, sir.

Senator McCARTHY. In this case, of Private Schine, he is still a private and you were not successful, is that right?

General REBER. I was not successful, Senator.

Senator McCARTHY. Now, I wonder if the reporter would read back the first question asked of General Reber, and I think you will want to correct his answer. That is the first question asked by counsel. That is the very first question.

Senator MUNDT. If you will proceed, we can save some time.

Senator McCARTHY. Without taking the time of the reporter, Mr. Reber, you said as of July 8, you were acquainted with Mr. Carr, and Mr. Cohn, and McCarthy?

General REBER. That is correct, sir.

Senator McCARTHY. Now, I would like to refresh your recollection. On July 8, Mr. Carr was not with the committee and Mr. Carr was head of the FBI subversive group in New York. Is that the correct title?

Mr. CARR. Yes.

Senator McCARTHY. Did you know him when he was head of that subversive group of the FBI in New York?

General REBER. I did not.

Senator McCARTHY. So then you were mistaken when you say you knew Mr. Carr on July 8.

General REBER. I was mistaken in that respect, yes, sir; I admit that frankly.

Senator McCARTHY. Actually the first time you saw Mr. Carr was in September when you appeared as a witness before this committee, is that not correct?

General REBER. That is correct.

Senator McCARTHY. So that you did not know him until September when you appeared as a witness before this committee?

General REBER. I believe, I am sure, I received telephone calls from him prior to that date, Senator, but I do not know the date of those telephone calls.

Senator McCARTHY. About what?

General REBER. About various requests from the committee, sir.

Senator McCARTHY. Anything having to do with Mr. Schine?

General REBER. No, sir.

Senator McCARTHY. Nothing improper about the request, merely requests for information?

General REBER. Requests for information for the committee, Senator.

Senator McCARTHY. Now, you made the statement that you thought that Mr. Carr had contacted some members of your staff. Now that is about Mr. Schine. Now that you know Mr. Carr was not with the committee on July 8, and he came with the committee some time after that, do you still say that Mr. Carr contacted members of your staff and if so I want to know upon what you base that statement?

General REBER. I base that statement on a memorandum which is in the files of my office.

Senator McCARTHY. Do you have that memorandum with you?

General REBER. I do not but I can produce it, Senator.

Senator McCARTHY. Who is the memorandum made by?

General REBER. By Lt. Col. F. K. Bremmerman, I believe.

Senator McCARTHY. You said you thought that Mr. Cohn had used, I forget your words, pressure or something to that effect because of the number of calls.

Let me ask you, forgetting about the number of calls, was there anything in any one individual call which was different from the calls that you got normally from the Hill from the members of the staff of the various Senators and committees?

General REBER. To be absolutely frank, sir, I believe there was this difference, that a large number of the calls that I got from the Hill merely requested information. These specific calls were impressing me with the necessity for speed, and for favorable action. So there was that difference.

Senator McCARTHY. Did you ever get any requests before for favorable action?

General REBER. I did, sir.

Senator McCARTHY. You did?

General REBER. Yes, sir.

Senator McCARTHY. So was there any difference between the Cohn requests and the other requests you got?

General REBER. There was no difference between Mr. Cohn's requests and the other requests of the type that you mentioned. However, that type of request was only a very small part of the total number of requests that I received.

Senator McCARTHY. Then we get down to the number of calls Mr. Cohn has made, and he will question you about the number of calls. You seem to object to the number of calls. Could I ask you what was par for the course? What was the average number of calls you received when you were unsuccessful?

General REBER. I will try to answer that question to the best of my ability, Senator.

Frankly, I don't understand it. But I think you mean how many calls would I get in an average case. I would say that in the case of a commission, I would probably not get more than 4 or 5 calls, unless there was tremendous interest in that particular commission.

Senator MUNDT. I am sorry, the Senator's time has expired. We will go around the table again and come back to you and Mr. Cohn.

Senator McCARTHY. Is my 10 minutes up?

Senator MUNDT. Yes, it is.

Does counsel have further questions to ask of the general?

Mr. JENKINS. General Reber, I do think it is proper to ask this question, and I do not believe it has been asked:

Does the Army have and did it have as of 1953 or prior thereto, an agency set up for the purpose of investigating the infiltration of Communists in the Army?

General REBER. Absolutely it did, Mr. Jenkins.

Mr. JENKINS. Was that an active agency during the year 1953?

General REBER. It was a very active agency.

Mr. JENKINS. Do you know whether or not that agency in 1953 had investigated Fort Monmouth?

General REBER. I have learned later that Fort Monmouth was investigated prior to the summer of 1953.

Mr. JENKINS. When did Secretary Stevens come into office?

General REBER. Secretary Stevens came into office in either February or early March of 1953.

Mr. JENKINS. Do you know whether or not Secretary Stevens had caused his designated agency to investigate Fort Monmouth any time after he came into office?

General REBER. I know that the Secretary had Fort Monmouth very thoroughly investigated in the fall of 1953. I don't know whether he had it investigated prior to that time.

Mr. JENKINS. Was that after Senator McCarthy had initiated his investigation?

General REBER. I believe it was, yes, sir; I believe it was.

Mr. JENKINS. After the Senator had initiated his investigation?

General REBER. I believe that is so.

Mr. JENKINS. Do you know whether or not the investigating agency of the Army discovered the presence of any Communists or those with communistic leanings as a result of its investigation, and in addition to the 33 that were uncovered by the McCarthy committee?

General REBER. I certainly am not trying to duck anything in my answer to this question, but—

Mr. JENKINS. There is no implication that you are ducking.

General REBER. But I am not personally familiar with the details of the Fort Monmouth investigation.

Mr. JENKINS. I didn't get your answer.

General REBER. I am not personally familiar with the details of the Fort Monmouth investigation. It started about the time, at least, as far as the Army is concerned, it started about the time that I was relieved as chief of legislative liaison.

Mr. JENKINS. If the Army discovered none, no Communists, no persons with questionable background in 1953, and if the McCarthy committee and its staff discovered 33, would you as an Army man consider that a reflection on the efficiency of the investigating agency of the Army?

General REBER. Mr. Jenkins, I shall have to answer that as a hypothetical question, because I don't—

Mr. JENKINS. Assuming that those things are true.

General REBER. Assuming those things are true?

Mr. JENKINS. It is whether or not you would consider it as a reflection.

General REBER. I would say we had been remiss in our very important duty, sir.

Mr. JENKINS. I understand you to say, General, that the Pentagon, you, your office, received approximately 1,000 calls a week from Senators, Congressmen, others, in connection with the personnel of the Army.

General REBER. Not a thousand calls, Mr. Jenkins; a thousand cases a week in connection with all of the activities of the Army. It didn't involve solely personnel; all of the activities of the Army.

Mr. JENKINS. How many calls, on the average, a week would you say the Army received with respect to some favor or preferential treatment, whether a commission or leave of absence or otherwise, of anyone in the Army?

General REBER. Based on my experience, I would say that the Army receives very few requests for favors. We get a tremendous number of requests for information, a very large volume, but very few requests for favors.

Mr. JENKINS. Mr. Chairman, that is all I care to ask.

Senator MUNDT. The Chair has no further questions. I call on Senator McClellan, if he has any.

Senator McCLELLAN. Just one or two questions. If a Senator or Congressman called you with respect to getting a soldier a leave of absence to go home on account of illness in the family, do you regard that as asking for preferential treatment?

General REBER. I certainly do not, Senator McClellan.

Senator McCLELLAN. Do you regard it as asking for preferential treatment if an applicant applies for a direct commission if he has the qualifications?

General REBER. I certainly do not, sir.

Senator McCLELLAN. Is it not his right, as an American citizen, to apply for a position in the Army if he possesses the qualifications?

General REBER. It is his right and privilege and I hope he does it.

Senator McCLELLAN. So as to making applications or as to making requests, under many circumstances there is no request for preferential treatment; is there?

General REBER. No, sir.

Senator McCLELLAN. There would be no request for preferential treatment in this case insofar as the application was concerned for a direct commission? That is not a request for preferential treatment; is it?

General REBER. It is not a request for preferential treatment to apply for a direct commission, Senator, no.

Senator McCLELLAN. But if the applicant fails to possess the requisite qualifications and then someone insists that disregarding those lack of qualifications that he be commissioned, that is a request, is it not, for preferential treatment?

General REBER. I would consider it a request; yes, sir.

Senator McCLELLAN. That is all, Mr. Chairman.

Senator MUNDT. Senator Dirksen, of Illinois.

Senator DIRKSEN. General Reber, only to keep the record straight, I asked you a little while ago, when Senator McCarthy, I think, was momentarily absent from the room, whether somebody else on the staff other than Mr. Cohn had called you with respect to the Schine case, and I thought your answer was "No."

General REBER. That was my answer, sir, and it is still my answer.

Senator DIRKSEN. I noticed in the memorandum that has been filed with the committee that Mr. Carr's name is not mentioned until the 2d of October. So I wondered about the first question to which you responded, whether you had contacts with Mr. Carr as well as with others on the Schine case.

General REBER. As I understood the first question, the first question was merely did I know Mr. Carr on July 8. My memory was incorrect and I admit it frankly, sir.

Senator DIRKSEN. That is all.

Senator MUNDT. Senator Jackson.

Senator JACKSON. Mr. Chairman, just to clarify a point raised about when Mr. Carr went to work for the committee, I think it would be well to have in the record the date when the announcement was made that he was to be the new staff director, and when he formally went to work for the committee.

Senator MUNDT. Pardon me.

Senator JACKSON. I do not believe you had the opportunity to hear my request, Mr. Chairman. I suggested that in order to keep the

record straight that there be submitted the date as to when Mr. Carr was appointed, when the announcement was made of his appointment, and when he formally went to work for the committee.

Senator MUNDT. May I ask the permanent chairman of the committee whether he will submit that for the record?

Senator McCARTHY. I will be very glad to.

Senator POTTER. I have no further questions.

Senator SYMINGTON. I have no further questions.

Senator DWORSHAK. I have no further questions.

Mr. WELCH. I have nothing further.

Senator McCARTHY. I have a few further questions.

Now, General Reber, you said that I had called you, I forget the date, I think that you said July 8, just to refresh your recollection. Actually, I had not called you. Someone from my staff had called you and asked you to drop into the office at your convenience, was that not correct?

General REBER. That is correct, yes. The word I got was that you desired me to come to your office.

Senator McCARTHY. When you came to the office, I told you that Mr. Schine felt he was entitled to a commission, and I asked you whether or not he was in your opinion, and if so how you would apply for it. And you told me you thought that with his background he was entitled to a commission, and you told me how he should apply, is that correct?

General REBER. That is correct, sir. I did say that; in view of the service that I understood him to have for the Army Transportation Service in 1946, I thought he was qualified.

Senator McCARTHY. You don't feel that I was asking for any special consideration for him?

General REBER. No, sir, I can't say that you were asking for special consideration at that time.

Senator McCARTHY. And I told you that I would be too busy to keep contact with this, that Mr. Schine was a very close personal friend of Mr. Cohn's, and that I wished you would have your office notify Mr. Cohn of what, if any, progress was made and if Mr. Schine was not entitled to a commission I would ask you to notify Mr. Cohn, is that correct?

General REBER. As I recall it, Senator, you requested that I keep Mr. Cohn or my office keep Mr. Cohn posted on the progress of the case.

Senator McCARTHY. Now, General, Mr. Welch asked you whether or not you were acutely aware of the fact that Mr. Cohn was the chief counsel for our committee. Your answer was "Yes". Will you tell us why you were acutely aware of that?

General REBER. I know or I knew in general the functions of your committee. And I knew that Mr. Cohn that spring had been appointed as chief counsel of the committee, and I knew that, as such, he would have a great deal, or as I inferred in my own mind that he would have a great deal to do with the Army in the course of the months in the following meeting.

Senator McCARTHY. Is Sam Reber your brother?

General REBER. Yes, sir.

Senator McCARTHY. Now, did anything about Sam Reber's activities make you acutely aware of the fact that Mr. Cohn was chief counsel?

General REBER. No, sir.

Senator McCARTHY. Do you know that Mr. Sam Reber was the superior to Mr. Kaghan, who Mr. Cohn and Mr. Schine were sent to Europe by me to inspect the libraries, that your brother, Mr. Sam Reber repeatedly made attacks upon them and that your brother, Mr. Sam Reber, appointed a man to shadow them throughout Europe and keep the press informed as to where they were going and where they were stopping?

Were you aware of that at the time you were making this great effort to get consideration as you say for Mr. Schine?

Mr. JENKINS. Mr. Chairman, please, General, do not answer that at this time.

Mr. Chairman, I must object to the question and any answer thereto, on the grounds that any answer elicited will be wholly irrelevant to the issues.

Senator McCARTHY. If I cannot show bias, Mr. Chairman, and prejudice on the part of a witness, then that is in violation of every rule of law that I know of.

Mr. Jenkins, may I say I have a great deal of respect for your ability as a lawyer, and I think that you are trying to do a completely fair job here, and the mere fact that you and I may differ on some rules of law certainly will not be interpreted by me as any bias on your part. But this general has been before the committee before, and he has been before us when I tried to get him to give us information about those who covered up Communists in Government, the first contact with Mr. Carr. And may I finish, Mr. Chairman?

Senator MUNDT. Speak to the point of order.

Senator McCARTHY. May I say his statement that he felt that Mr. Cohn was using improper pressure, and his statement that Mr. Cohn was doing it under my instructions, in my opinion is completely false, and I think that I am entitled to show motive on the part of this witness.

Let me say this: I realize the normal feelings which a man has for his brother, and I don't attribute any evil motives on his part. After the trip to Europe in which his brother made vicious attacks upon Mr. Schine and Mr. Cohn, I may say we had no knowledge of the relationship. When Mr. Reber came to my office and I discussed the question of whether or not Mr. Schine was entitled to a commission, and Mr. Reber said he was entitled to one——

Senator McCLELLAN. That is testimony.

Senator McCARTHY. May I finish my statement?

Senator McCLELLAN. You are giving testimony. I have a right to object at any time.

Senator McCARTHY. Don't object in the middle of my question. Let me state my position.

Senator McCLELLAN. I do not want you testifying; there are a lot of facts here unless you want to take the witness stand, and I do not mind your saying it under oath.

Senator McCARTHY. I have asked the witness a question and that was objected to, and I am making the position now that I am entitled

to ask the question to show motive on the part of this witness. I restate, Mr. Jenkins, and may I say that I know that the very able counsel, Mr. Jenkins, did not come into this case until late, and he does not know that I had a great deal of trouble with this particular witness both before this committee and in instructions that he gave witnesses in New York, and I want to go into all of those matters to show motive.

Senator MUNDT. Then, the Chair will listen to counsel.

Mr. JENKINS. It is my opinion that Senator McCarthy has a right to ask of this witness any statement designed or calculated to show a motive on his part to color or distort his testimony, but not to make a statement of fact as the Senator was doing. If he will put his statements in the form of questions, then undoubtedly he has a right to show a motive on the part of any witness to speak, but with all due deference to the Senator he was not doing that, and he was making statements of fact. That is the basis of my objection.

Senator McCARTHY. I think perhaps counsel's objection is well taken.

Senator MUNDT. You can ask questions then.

Senator McCARTHY. I think perhaps counsel's objection is well taken, and I will rephrase the question.

Senator MUNDT. We will proceed in order.

Senator McCARTHY. General, at the time that you were processing the application of this young man, Schine, for a commission, were you aware of the fact that he had had a very unpleasant experience with your brother who was the Acting High Commissioner in Germany?

General REBER. I was not aware, Senator, of any specific experience with my brother. I knew that Mr. Cohn and Mr. Schine had had specific difficulties with the Department of State during their trip to Europe in the spring of 1953 but I was not aware of any specific difficulty with my brother.

Senator McCARTHY. You, of course, knew that your brother was the Acting Commissioner of Germany at that time?

General REBER. I did, sir.

Senator McCARTHY. And had you read the newspaper stories about the statements that your brother, Sam Reber, had made about Mr. Cohn and Mr. Schine?

General REBER. I do not, to the best of my ability, recall seeing any specific statement attributed to my brother in the newspapers about Mr. Cohn and Mr. Schine.

Senator McCARTHY. From your brother's office, then?

General REBER. I do recall statements, yes, from the Office of the High Commissioner.

Senator MUNDT. The Senator's time has again expired, so we will have to go around the table. Do you have any further questions, Mr. Counsel?

Mr. JENKINS. No more.

Senator MUNDT. The Chair has none.

Senator McClellan?

Senator McCLELLAN. No questions.

Senator MUNDT. Anybody on this side? Anybody on this side?

You have another 10 minutes. I am sorry, Mr. Welch.

Mr. WELCH. I have none at this moment.

Senator McCARTHY. General, when you were called to our office and when you had this great success in helping promote Schine to the extent that he is a private, don't you think that you should have at least told me about the fact that you were the brother of the man who has all this difficulty with Mr. Cohn and Mr. Schine, if I can use the word?

General REBER. Senator McCarthy, if I had had the slightest idea at that time that any difficulty that Mr. Cohn and Mr. Schine had had with my brother would have affected my actions in this case, I certainly would have told you. I did not have the slightest idea at that time, and I have not had that idea up until the present moment, that difficulties with the High Commission in Germany would in any way affect my conduct of the processing of Mr. Schine's request for a commission.

Senator McCARTHY. Would it in any way affect your testimony, do you think?

General REBER. It certainly would not affect my testimony.

Senator McCARTHY. Just to recap your testimony, if I may, I understand your testimony is this: That you were called to my office, that I asked you whether or not this man was entitled to a commission because of his background in having had, what you would call an assimilated commission in the Army, his experience as an investigator.

At that time you told me you thought he would be entitled to a commission. Later you discovered that in your opinion he was not entitled to one. So as far as you were concerned, Private Schine has received no special consideration as far as a commission is concerned?

General REBER. I would like to say first, Senator, that I based my statement in our office, that he appeared that he might get a commission, on the information that was furnished me at that time, which to the best of my recollection was that Mr. Schine had served as a junior ship's officer. Mr. Schine did not so serve. If he had served, as I understand the regulations, he might have been commissioned.

Senator McCARTHY. In any event, you discovered later he was not entitled to a commission?

General REBER. That is correct, sir.

Senator McCARTHY. And did not get a commission?

General REBER. He did not.

Senator McCARTHY. He is still a private?

General REBER. Yes, he is.

Senator McCARTHY. Have you seen the reports in the press to the effect that he was denied admission to certain schools because he had been previously connected with this committee?

General REBER. I have seen numerous stories in the press. I believe I have seen a story somewhat to that effect, Senator.

Senator McCARTHY. So that if that story is true, this would be rather rank discrimination against a man because he had worked with this committee?

General REBER. I should have to answer that entirely as a hypothetical question. If that story was true, it would certainly indicate that he was not receiving special consideration.

Senator McCARTHY. In other words, we both saw the story in the press, and neither you nor I know whether that is true or false, the story that he was denied consideration to which he would otherwise

be entitled, because he had been connected with the committee. If that story is true, that would mean instead of getting special consideration, he was discriminated against because of his connection with the committee?

General REBER. Yes; as a purely hypothetical question, if that story is true, it would indicate that he was being discriminated against.

Senator McCARTHY. General—

Mr. Chairman, I am again addressing myself to the question of motive. I want to make it clear I am not trying to indicate any evil intent upon the part of this general at all. I do think I must go into the question of motives.

General, you were before this committee a number of times, is that right, when I was chairman?

General REBER. I actually only testified, Senator McCarthy, once—on the 8th of September 1953. I did, in my capacity as chief of the legislative liaison, furnish your committee a great deal of information from time to time.

Senator McCARTHY. At that time we asked you—as I recall, I repeated the question a number of times—asked you whether or not you felt that the committee should be entitled to the names of individuals in the Pentagon who had protected and covered up Communists. At that time I had difficulty getting an answer from you on that.

I ask you this question today because I am firmly convinced the reason we are here spending our time on the question of whether or not Private Schine received special consideration is because we are getting close to the nerve center in the Pentagon of the old civilian politicians over the past 10 or 20 years who have covered up. I want to ask you today whether or not you feel that this committee, when we get through with this television show, should be entitled to get the names of those, for example, who received the cases of individuals who had been suspended from Fort Monmouth. I am not speaking of the 33 suspensions during our investigation. I am speaking of suspensions made long before that, over the past 5, 6, or 7 years, by competent commanding officers—I believe the figure was 35, I am not sure—by different commanding officers, who were found unfit by the First Army Loyalty Board because of Communist background. They applied to a screening board or an appeal board or a loyalty board, I don't know what you would call it, in the Pentagon; and of the 35, 33—

Senator MUNDT. The Senator's time has expired.

Senator McCARTHY. Can I finish this question, Mr. Chairman?

Senator MUNDT. You have a right to conclude a sentence after your time has expired, so proceed.

Senator McCARTHY. Of the 35, 33 were ordered reinstated, ordered back to Fort Monmouth to secret and other classified radar work.

The question that I had asked then and that I ask now—

Senator MUNDT. The Senator's time has expired.

Mr. JENKINS. Mr. Chairman?

Senator MUNDT. Counsel?

Mr. JENKINS. Counsel for the committee objects to the question and any answer thereto on these grounds: The Senator's question is argu-

mentative. It contains statements of fact. It would not elicit any information pertinent to this inquiry, including any motive on the part of this witness to swear falsely or to distort his testimony.

Senator MUNDT. The Chair is inclined to uphold the objection, unless the members of the committee feel otherwise. Time has expired. Counsel, have you any other questions?

Mr. JENKINS. No, sir.

Senator JACKSON. Was the objection sustained?

Senator MUNDT. The objection was sustained.

Mr. JENKINS. No other questions.

Senator MUNDT. The Chair has no other questions. Senator McClellan?

Senator McCLELLAN. No questions.

Senator MUNDT. Senator Potter?

Senator POTTER. No questions.

Senator SYMINGTON. General Reber, how long have you been in the Army?

General REBER. Thirty-five years.

Senator SYMINGTON. When did you go into the Army?

General REBER. I went into the Army on the 13th of June 1919 when I entered the Military Academy at West Point.

Senator SYMINGTON. Are you a graduate of West Point?

General REBER. Yes, sir.

Senator SYMINGTON. Did you take an oath when you——

Senator MCCARTHY. A point of order, Mr. Chairman. The Chair upheld the objection to my question and I did not appeal from that decision of the Chair, and if that question of mine is improper, although I disagreed, then these questions about the date that Reber was born and when he went into the Army and what his education was are equally unimportant to this issue. The question of when he came into the Army cannot determine this issue in any way.

Senator MUNDT. The Chair desires to hear from committee counsel on the objection.

Mr. JENKINS. Mr. Chairman, it is my opinion that the questions now being asked by Senator Symington are proper in that they elicit from the witness information as to his experience in the Army and his knowledge of the Army, and of the machinery of the various agencies of the Army, and they go to the question of his ability and fitness and peculiar knowledge to speak of the matters about which he has testified, and it is my opinion that the questions are proper.

Senator SYMINGTON. General Reber, did you graduate from West Point?

Senator MUNDT. The Chair will decide on the counsel of the committee that the questions are proper in the absence of being overruled by the committee.

Senator SYMINGTON. I want to apologize for not asking the questions in proper legal fashion, but I am not a lawyer and I have no legal training.

General REBER. I did, Senator Symington, in June of 1923.

Senator SYMINGTON. When you went into the Army in the beginning, you took an oath, did you not?

General REBER. I certainly did.

Senator SYMINGTON. Did you remember how the oath goes?

General REBER. To support the Constitution against all enemies whomsoever.

Senator SYMINGTON. Now you are under oath at this time, are you not?

General REBER. I am what?

Senator SYMINGTON. You are under oath.

General REBER. I definitely am under oath.

Senator SYMINGTON. Would you in any way have acted against Private Schine or anybody else because of any influence that had been given you by your brother, or would you have acted in accordance with the oath you took when you went into the Army at all times?

General REBER. I would have acted entirely in accordance with the oath that I took, and have upheld ever since, Senator.

Senator SYMINGTON. I have no further questions, Mr. Chairman.

Senator MUNDT. Are there any other questions?

Mr. WELCH. No.

Senator MUNDT. May the Chair inquire of Senator McCarthy, in the interest of knowing whether we can complete this witness at this session, as we would like to adjourn soon, whether you would need more than another 10 minutes to conclude?

Senator MCCARTHY. Mr. Chairman, I don't know. Frankly, I am going to accede to my chief counsel, Mr. Cohn, and he tells me he thinks the questioning will not take any more than 10 minutes. I assume that he will cover the ground that I would normally cover, and I am inclined to think 10 minutes might be sufficient.

Senator MUNDT. What would you think, Mr. Cohn; could you conclude in 10 minutes?

Mr. COHN. I am sure we can, Senator Mundt.

Senator McCLELLAN. Mr. Chairman, I move we recess until 2 o'clock or 2:30, or whatever the scheduled time is.

Senator MUNDT. It is 2:30.

Senator McCLELLAN. I have withheld asking several questions because I was trying to conclude but if we are going to continue, I could well anticipate there will be other questions and we will not be able to conclude with the witness.

I suggest, and I do not move, but I suggest, that we recess now.

Senator MUNDT. What is the pleasure of the committee?

Senator POTTER. If Mr. Cohn concludes in 10 minutes, I would prefer to stay and conclude the witness.

Senator MUNDT. May the Chair inquire of Mr. Cohn, if we could have assurance that at the end of 10 minutes you would complete the interrogation so that we could dismiss the witness, otherwise we can recess?

Mr. COHN. I would say this: If it is very important to the committee or another witness, I could do it, but I do have a considerable number of questions, and in all honesty I would like to ask and it might run over 10 minutes, and I feel I could not give that assurance. If the committee wants me to, I will.

Senator MUNDT. May the Chair announce that we have permission from the Senate to sit this afternoon and we will meet at 2:30 and General Reber will be the first witness, and Mr. Cohn will be the first interrogator.

(Whereupon, at 12:40 p. m. a recess was taken until 2:30 p. m. the same day.)



APPENDIX

SUPPLEMENTAL DATA

No. 1

At the close of an executive meeting of the Senate Committee on Government Operations on July 16, 1953, Senator Joe McCarthy, chairman, introduced Mr. Francis P. Carr and announced his appointment as the executive director of the Senate Permanent Subcommittee on Investigations, of which Senator McCarthy is also chairman.

Mr. Francis P. Carr was sworn in as executive director of the Senate Permanent Subcommittee on Investigations on July 16, 1953.



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JUL 11 1954
SPECIAL SENATE INVESTIGATION ON CHARGES
AND COUNTERCHARGES INVOLVING: SECRE-
TARY OF THE ARMY ROBERT T. STEVENS, JOHN
G. ADAMS, H. STRUVE HENSEL AND SENATOR
JOE McCARTHY, ROY M. COHN, AND
FRANCIS P. CARR

10
60-972
SUPPLEMENT TO HEARINGS

BEFORE THE

SPECIAL SUBCOMMITTEE ON
INVESTIGATIONS OF THE COMMITTEE ON
GOVERNMENT OPERATIONS
UNITED STATES SENATE

EIGHTY-THIRD CONGRESS

SECOND SESSION

PURSUANT TO

S. Res. 189

APRIL 22, 1954

Printed for the use of the Committee on Government Operations



SEP 28 1954

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CHARLES A. MANER, *Secretary*

SUPPLEMENT

SPECIFICATIONS SUBMITTED BY MR. JOSEPH W. WELCH, SPECIAL COUNSEL, IN BEHALF OF HON. ROBERT T. STEVENS, SECRETARY, DEPARTMENT OF THE ARMY, AND MR. JOHN G. ADAMS, COUNSELOR, DEPARTMENT OF THE ARMY, TO HON. KARL E. MUNDT, CHAIRMAN, SPECIAL SUBCOMMITTEE ON INVESTIGATIONS

APRIL 13, 1954.

The Department of the Army alleges that Senator Joseph R. McCarthy as chairman of the Permanent Subcommittee on Investigations (hereinafter called the subcommittee), United States Senate, and its Chief Counsel Roy M. Cohn, as well as other members of its staff, sought by improper means to obtain preferential treatment for one Pvt. G. David Schine, United States Army, formerly chief consultant of this subcommittee, in that:

1. On or about July 8, 1953, Senator McCarthy sought to obtain a direct commission in the United States Army for Mr. Schine and informed Maj. Gen. Miles Reber, Chief of Army Legislative Liaison (OCLL), of his interest in obtaining such a commission as speedily as possible. Mr. Cohn, at the same time, in the presence of Senator McCarthy emphasized the necessity for rapid action in obtaining the said commission.

2. Throughout the period from July 15, 1953, to July 30, 1953, various members of the staff of the subcommittee inquired of General Reber and others in the Department of the Army as to the status of the application of the said Schine for a direct commission.

3. On or about August 1, 1953, Mr. Cohn requested General Reber and others in the Office of the Chief of Legislative Liaison to explore the possibilities of obtaining a Reserve commission for Mr. Schine in either the United States Air Force or the United States Navy.

4. On or about October 2, 1953, Mr. Cohn and Mr. Francis Carr, executive director of the subcommittee, while discussing detailed plans for the conduct of an investigation by the subcommittee at Fort Monmouth, N. J., sought to induce or persuade the Secretary of the Army to arrange for the assignment of Mr. Schine to a post in the New York City area upon his induction into the Army on the grounds that it was considered desirable by Mr. Cohn to have Mr. Schine available for consultation to the staff of the subcommittee to complete certain work with which it was alleged that Mr. Schine was familiar.

5. On or about October 15, 1953, Mr. Cohn sought to induce or persuade Secretary Stevens to arrange for the assignment of Mr. Schine to temporary duty in New York City after his induction for the alleged purpose of completing subcommittee work.

6. During the period from on or about October 18, 1953, to on or about November 3, 1953, Mr. Cohn, by telephone conversations and otherwise, sought to persuade or induce John G. Adams, counselor of the Department of the Army, to procure an assignment for Mr. Schine in the New York City area upon his induction into the Army. Mr. Cohn coupled these requests with threats that if they were not granted he would cause the Army to be exposed in its worst light and demonstrate to the country how shabbily it was being run. These requests and threats are believed to have been made with the knowledge and consent of Senator McCarthy.

7. On or about October 20, 1953, and on other occasions, Mr. Cohn made threatening and violent statements to Mr. Adams and others concerning future investigations by the subcommittee of the Army and exerted his influence over Senator McCarthy to release to the newspapers a statement intended to be derogatory to the Army.

8. On or about November 6, 1953, Senator McCarthy, Mr. Cohn, and Mr. Carr sought to induce and persuade Secretary Stevens and Mr. Adams to arrange for the assignment of Private Schine to New York City to study and report evidence,

if any, of pro-Communist leanings in West Point textbooks. Mr. Cohn in the presence of and with the consent of Senator McCarthy and Mr. Carr sought to induce and persuade Secretary Stevens and Mr. Adams to arrange to make Private Schine available for subcommittee work while he was undergoing basic training at Fort Dix, N. J. These requests were coupled with promises reasonably to limit or terminate subcommittee hearings on Fort Monmouth.

9. On or about November 7, 1953, Senator McCarthy sought to induce or persuade Secretary Stevens to grant special passes to Private Schine that he otherwise would not have been entitled to receive.

10. On or about November 11, 1953, Mr. Cohn and Mr. Carr called upon Maj. Gen. Cornelius Ryan, commanding officer, Fort Dix, N. J., and represented to General Ryan that it was necessary to have Private Schine available to them on week nights and weekends in order to complete the work of this subcommittee then in progress.

11. On or about November 14, 1953, Mr. Cohn threatened to continue the subcommittee investigations on the Army installation at Fort Monmouth, N. J., which had theretofore resulted in exaggerated headlines damaging to the morale of the personnel at Fort Monmouth.

12. On or about November 16, 1953, Mr. Cohn and Mr. Carr renewed the threats that are recited in paragraph 11 above; this time directing them to Secretary Stevens.

13. On or about November 17, 1953, Senator McCarthy, Mr. Cohn, and Mr. Carr made known to Secretary Stevens the importance attached by them to Private Schine's military assignment and there by innuendo and inference indicated that their plans for continuing further investigation of the military installation at Fort Monmouth, N. J., were related to the importance attached by them to Private Schine's military assignment.

14. On or about November 18, 1953, and on numerous occasions thereafter members of the staff of this subcommittee sought to and did obtain special passes for Private Schine and on each such occasion represented to the responsible officers at Fort Dix that the same were essential to subcommittee business. Private Schine was absent from Fort Dix on such special passes on occasions when in fact he did no work on behalf of this subcommittee.

15. During the period from on or about November 24, 1953, through December 8, 1953, Mr. Cohn continued to exert undue pressure upon Mr. Adams to obtain an assignment to New York City for Private Schine. These requests were connected by innuendo and inference with the conduct of the subcommittee hearings on the Army installation at Fort Monmouth, N. J.

16. On or about December 8, 1953, Mr. Cohn, upon learning that special weekday passes for Private Schine had been discontinued, called Mr. Adams and by abusive language and threats to Mr. Adams sought to have this decision reversed.

17. On or about December 9, 1953, Mr. Cohn upon learning that Mr. Adams had spoken to Senator McCarthy in an effort to put a stop to Mr. Cohn's attempts to interfere in Private Schine's military training sought by threats to prevent Mr. Adams from discussing the matter with Senator McCarthy on any future occasion.

18. On or about December 10, 1953, Senator McCarthy and Mr. Carr sought to obtain a special assignment for Private Schine in New York City for the purpose of studying textbooks at West Point.

19. On or about December 11, 1953, Mr. Cohn, upon learning that Private Schine had been assigned to duty the following Saturday morning, sought by threats and abusive language to get Private Schine relieved from this duty.

20. On or about December 17, 1953, Mr. Cohn in the presence of Mr. Carr and Senator McCarthy again used extremely abusive and threatening language to Mr. Adams in an effort to obtain special privileges for Private Schine and, in particular, in an effort to obtain his assignment to the New York City area. Senator McCarthy acceded in these demands and repeated the same to Mr. Adams and further suggested that Private Schine be assigned to First Army Headquarters for the purpose of examining textbooks at West Point to determine whether or not they contained anything of a subversive nature.

21. On or about January 9, 1954, Mr. Cohn and Mr. Carr sought to and did obtain the release of Private Schine from KP duty on January 10, 1954, at Fort Dix, N. J.

22. On or about January 9, 1954, Mr. Cohn, in a further effort to obtain Private Schine's release from KP duty at Fort Dix on January 10, 1954, stated to 1st Lt. John B. Blount that Col. Earl L. Ringler and 1st Lt. Joseph J. M. Miller, then stationed at Fort Dix, were making things difficult for Private Schine and that Cohn had a very long memory and would never forget their names.

23. On or about January 11, 1954, and on numerous occasions before and after that date, Mr. Cohn sought to obtain special privileges for Private Schine upon his assignment to Camp Gordon, Ga., which would include special passes when allegedly necessary for subcommittee business. Mr. Cohn, by innuendo and inference, suggested that if his demands were not met, the Army would be subjected to further investigations.

24. On or about January 13, 1954, Mr. Cohn, upon learning that Private Schine might be assigned to overseas duty, threatened to cause the discharge of Secretary Stevens, and that he would cause the subcommittee to "wreck the Army."

25. On or about January 14, 1954, Senator McCarthy directly requested Secretary Stevens to cause Private Schine to be assigned to the New York City area at the conclusion of his tour of duty at Camp Gordon, Ga.

26. On or about January 19, 1954, after the Army had refused special assignment requested for Private Schine, Senator McCarthy, without previous warning, caused notice to be served upon Mr. Adams that on that afternoon the subcommittee would commence hearings and would require the presence of certain members of the Loyalty-Security Appeals Board of the Army for questioning.

27. On or about January 19, 1954, Senator McCarthy delivered an ultimatum to Mr. Adams that unless the said witnesses were produced by Friday, January 22, 1954, for questioning, he would subpoena them.

28. On or about January 22, 1954, Senator McCarthy requested Mr. Adams to obtain a special assignment for Private Schine in New York and suggested that Mr. Cohn would continue to harass the Army unless this demand was acceded to.

29. On or about February 16, 1954, and on several other occasions, Mr. Carr and a person purporting to act as a representative of Senator McCarthy indicated that the investigations of the Army then contemplated by this subcommittee would either be terminated or be conducted along reasonable lines if the Army would accede to Senator McCarthy's and Mr. Cohn's request for a special assignment for Private Schine.

JOSEPH W. WELCH,
Special Counsel.

STATEMENT SUBMITTED AT REQUEST OF TEMPORARY SUBCOMMITTEE

APRIL 20, 1954.

Senator KARL E. MUNDT,
*Room 248, Senate Office Building,
Washington 25, D. C.*

DEAR SENATOR MUNDT: This statement is being submitted on behalf of Frank Carr, executive director of the Senate Permanent Subcommittee on Investigations; Roy Cohn, the chief counsel; and of myself, as chairman of the subcommittee. It is being submitted in accordance with the request of your temporary subcommittee.

We are submitting herewith what we consider to be pertinent data concerning the attempt by two Army civilians, Mr. Robert T. Stevens and Mr. John G. Adams, to discredit the Investigations Subcommittee, and to force a discontinuance of our hearings exposing Communist infiltration in their department.

1. The most recent document furnished by Mr. Stevens and Mr. Adams contains 29 allegations against the subcommittee and against me. Insofar as these allegations suggest the use of "improper means" they are without basis in fact. The statements, "innuendoes," and "implications," contained therein are wholly unfounded insofar as they allege "improper means."

It is noted that before we had any opportunity to submit an answer to these allegations, they were released publicly, in violation of the unanimous agreement arrived at previously.

2. It is further noted that these allegations are not signed by either Secretary Stevens or by Mr. Adams, but by a Mr. Joseph N. Welch, who is described as "special counsel" for the Department of the Army, and who came into the situation long after all of the alleged incidents were supposed to have taken place and who could, therefore, have had no personal knowledge of the matter. It should be noted also that a law partner of Mr. Welch has, in recent years, belonged to an organization found by the House Un-American Activities Committee to be the "legal bulwark" of the Communist Party, and referred to by the Attorney General of the United States as the "legal mouthpiece" of the Communists. This same law partner was selected by Mr. Welch to act as his aide in this matter, and

was discharged only when his Communist-front connection became publicly known.

3. The report of the Pentagon officials now purports to be "allegations of the Department of the Army." So broad a description is inaccurate and presumptuous. In their attempt to stop our exposure of the mishandling of Communist infiltration in the Army, Mr. Stevens and Mr. Adams have no right to represent that they speak for the entire Department of the Army, or persons connected with it, any more than we could claim the right to speak for the United States Senate. It is therefore suggested that Mr. Stevens and Mr. Adams be instructed to file their charges henceforth in their own names, and to assume responsibility for their own acts, rather than to hide behind the cloak of the entire Department of the Army and the millions of loyal Americans who have been, and are now, connected with it and who are not in any way involved in the present maneuvers of these Pentagon civilians. They should further be instructed to tell the subcommittee once and for all who is pulling the strings to protect those who in turn have protected fifth amendment Communists.

4. The so-called original report is not made in the course of any official function, nor in the regular course of Pentagon procedure, nor is it even signed. The "report" has had the planned effect of derailing the inquiry into security matters pertaining to Communist infiltration in the Army and to Secretary Stevens' administration thereof.

At the threshold, the core of the matter stands in bold relief: there are, and were, Communists and other security risks in the Army, which needed and received—until stopped—public exposure. The present tactic by Pentagon politicians cannot obscure that underlying fact. The gross mishandling of Communist infiltration in the Army—exposed by the subcommittee—has been acknowledged by the Defense Department, which has now adopted a wholly new step of corrective regulations as a result of the subcommittee's investigation.

5. As further evidence of the dishonesty of the attack upon my staff issued through Mr. Stevens and Mr. Adams, I call your attention to the fact that at least since the beginning of World War II the military has had fully staffed offices to handle the requests from Senators, Congressmen, administration officials, and others, for favored treatment to certain individuals. I have written to Defense Secretary Wilson for a detailed report on this matter and for a rough estimate of the requests which have been received from legislators and Government officials, and how many requests were acceded to. To date all I have received are letters from the different departments completely evading these questions. I mention this merely to show that of the thousands of requests made, the only one that the military has seen fit to publish is the false report on alleged requests for special treatment for an Army private who is still a private, and who has received no special assignments. It is requested that the subcommittee obtain the information relevant to this point.

6. We must look then for the motive and reasons behind this self-serving "report" which was first leaked, next privately disseminated, and finally published. When placed in proper perspective, it will be found to have given greater aid and comfort to Communists and security risks than any single other obstacle ever designed.

7. Successive steps, outlined hereafter, taken by John G. Adams, to impede the subcommittee's investigations, culminated in the issuance of the unsigned "report" referred to in paragraph 1. In taking these steps, Mr. Adams apparently acted with the influence and guidance of H. Struve Hensel, Assistant Secretary of Defense and General Counsel of the Department of Defense. While supervising preparation of this "report," Mr. Hensel was himself under investigation by the subcommittee for misconduct and possible law violation. Mr. Hensel had, and has, every motivation to act as he did in attempting to discredit the subcommittee.

8. The investigation of Mr. Hensel, who supervised the attempt to discredit this subcommittee by the issuance of this "report," concerns his activities as a partner and dominant force in the organization of a ship supply firm. The subcommittee staff examined and confirmed the serious allegation against Mr. Hensel that while he occupied a top procurement post with the Department of the Navy, he helped to organize this ships' supply firm for the purpose of selling priority goods to ships. It has been established that Mr. Hensel, while in a top procurement post for the Navy, and while general counsel and later Assistant Secretary of the Navy, drew large sums of money, believed to be far in excess of his Government salary, from this ships' supply firm which was operating with Government sanction and with Government priorities.

For the years in which the subcommittee has been able to obtain documentation, the following figures have been ascertained.

1943: While Chief of Procurement, Legal Division, Department of the Navy, Mr. Hensel drew \$12,105.96 from this private ships' supply firm which was doing business with the sanction of the Government and was provided with Government priorities.

1944: From January 1944 to August 1944, while Chief of Procurement, Legal Division, Department of the Navy, and from August 1944 through December 1944, while General Counsel for the Department of the Navy, Mr. Hensel drew \$13,485.97 from this private firm.

1945: While Assistant Secretary of the Navy during 1945, Mr. Hensel drew \$30,934.71 from this private ships' supply firm which was operating with Government sanction, and receiving Government priorities.

9. By his "supervision" of the issuance of these allegations against the subcommittee, the plan to discredit the activities of the subcommittee, and by other means and maneuvers, Mr. Hensel has attempted to stop the investigation of these serious charges concerning his activities as a Government official, which are under the purview of this subcommittee.

10. The attempt by these Pentagon politicians to peg their attack on the subcommittee's exposure of their activities on the drafting and treatment of Pvt. David Schine is petty and unfounded. The deliberate falsity of this allegation is clearly demonstrated by the fact that the investigation by the subcommittee of Communist infiltration in the military had been in progress long before Mr. Schine or anyone on the subcommittee staff could have had the slightest indication that Mr. Schine was to enter the Army. Mr. Schine has a background of knowledge of the Communist movement in this country, and effectiveness in exposing it. He contributed his time and efforts to the subcommittee as an unpaid consultant, in which capacity he was a prime mover in the successful exposure of the Communist infiltration and the waste of millions of dollars of taxpayers' money in the Voice of America program. He was inducted into the Army during the exposure of Communists in Army installations. Without spending unnecessary time on the charges of Mr. Stevens and Mr. Adams that their treatment of Mr. Schine influenced the investigations, it should be noted that Mr. Schine is still a private in the Army, and news stories quoting reliable sources have stated that the reason he was not given the consideration to which he would otherwise have been entitled was because of his connection with the committee.

11. No improper means of any kind have been used to obtain preferential treatment for Private Schine. All applications and discussions concerning his tour of duty with the Army have been open and proper.

12. The belated and gratuitous attempt to include Frank Carr in the smear by alleging in the latest Welch document that Mr. Carr sought preferential treatment for Private Schine is dishonest. Mr. Carr's participation in this matter was to express irritation and disgust at the constant attempts on the part of the Pentagon civilians to trade off treatment for Private Schine against the halting of subcommittee exposure of the mishandling of Communist infiltration in the military. The recently contrived assault against Mr. Carr is particularly reprehensible in view of his outstanding record as executive director for the subcommittee, and his unquestioned integrity during his many years of service with the Federal Bureau of Investigation, which culminated in his designation to head the Federal Bureau of Investigation's key security desk in New York City, and his participation in the apprehension and prosecution of the top Communist leaders in the United States.

13. Of no greater substance are the allegations against Mr. Cohn, chief counsel for the subcommittee, that he used "improper means" to obtain preferential treatment for Private Schine. To call participation in arrangements to have Private Schine devote many hours over and above Army training, which could otherwise have been spent in recreation, to the completion of vital subcommittee work, "a request for preferential treatment," defies reason. All such arrangements were made with the full concurrence of Mr. Stevens, and no attempts to alter or to do anything inconsistent with those arrangements were ever made by any member of the subcommittee staff. Similarly lacking in substance is any criticism of our refusal to have a former staff member of the subcommittee made another Stripling case, and discriminated against by those who were the objects of an investigation by the subcommittee with which he had associated. The attack on Mr. Cohn, like that of Mr. Carr, is directed against one who has a long and successful record in the prosecution and exposure of Communist

spies in this Nation, including Julius and Ethel Rosenberg, William Remington, the 39 American Communists in the United Nations, second-string leaders of the Communist Party, Gus Hall, Frederick Vanderbilt Field, and numerous others.

14. The recently contrived attempt to direct fire at the chairman and to accuse him of attempting to secure special treatment for Private Schine is branded as false by reference to the written record and to the prior Stevens-Adams report itself. At an early date the chairman, in the presence of Mr. Cohn and Mr. Schine, suggested to Secretary Stevens that he lean over backwards to avoid giving anything which might be even remotely construed as special consideration to Mr. Schine. The fact that no special consideration of any kind for Schine was desired was made clear, the reason given being that anything which could be twisted and distorted by the left-wing press as special consideration for Schine would be bad for both the committee and the Army.

This insistence on the part of the chairman was repeated orally on many occasions, and after another bargaining attempt by Mr. Adams, the chairman in writing on December 22, 1953, in a letter to Secretary Stevens, concluded as follows:

"While I am inclined to agree that Mr. Schine would never have been drafted, except because of the fact that he worked for my committee, I want to make it clear at this time that no one has any authority to request any consideration for Mr. Schine other than what other draftees get. I think it is extremely important that this be made very clear in view of the present investigation which our committee is conducting of Communist infiltration of the military under the Truman-Acheson regime.

"Let me repeat what I have said to you before, the course of this investigation will in absolutely no way be influenced by the Army's handling of the case of any individual, regardless of whether he worked for my committee or not."

15. To further understand the bad faith in which this attack was suddenly launched, the relationship of Mr. Cohn and Mr. Adams must be placed in proper perspective. They were close personal and social friends. During most of the period involved, they were in communication personally telephonically as often as dozens of times a week. They worked and socialized together day after day. Ordinary conversations about mutual associates and situations have now become "attempts to persuade and induce." Daily discussions—some jocular, some animated—have now become shocking incidents of "violent, abusive, and threatening" talk. What is most puzzling is that after all of these events now cast in such an awesome light allegedly took place, Mr. Stevens and Mr. Adams still sought the friendship and companionship of the subcommittee staff.

(a) After Mr. Adams' and Mr. Stevens' claim that they were threatened and induced by the chairman and Mr. Cohn, they extended hospitality to and accepted hospitality from the chairman and Mr. Cohn.

(b) The day after Mr. Cohn is alleged to have made "threatening and violent" statements to Mr. Adams, Mr. Adams dined with Mr. Cohn and his family at Mr. Cohn's home.

(c) The day after Mr. Cohn and Mr. Carr are alleged to have made threats to the Secretary of the Army, the Secretary entertained them at lunch at his New York luncheon club.

(d) Five days after the Secretary claims that attempts were made to induce and persuade him by "improper means" to give preferential treatment to Private Schine, Mr. Stevens posed for smiling photographs with Private Schine at Fort Dix.

(e) After Mr. Cohn is alleged to have set about "wrecking" the Army, and causing the "dismissal" of Mr. Adams' boss, Mr. Adams continued to invite Mr. Cohn to lunch, and to discuss a law partnership with him.

But suddenly Mr. Adams appears in the role of Dr. Jekyll and Mr. Hyde, and now places upon every work and act during these many months the most sinister implications.

16. On or about September 7, 1953, and directly following the first executive session of subcommittee hearings on instances of Communist infiltration in the Army, after the exposure of a fifth amendment Communist employed as an Army civilian, Chairman McCarthy publicly announced his determination to pursue these investigations to the point of calling those connected with the personnel and loyalty procedures of the Army responsible for the clearing of Communists. Secretary Robert T. Stevens then communicated with the chairman and commenced a series of efforts to interfere with the investigation, to stop hearings, and to prevent various of his appointees from being called by the subcommittee.

17. On or about September 21, 1953, and as a part of the attempts to cause the chairman not to question personnel serving under him, Mr. Stevens requested

the chairman not to interrogate one Joseph Bishop, acting counselor for the Army, concerning Bishop's alleged suggestion that certain Army personnel refuse to disclose to the subcommittee details of the employment of a certain fifth amendment Communist, stating that public development of the facts would interfere with a private law firm association being arranged for Bishop. In view of the fact that Mr. Bishop was being separated from the Army, he was not called.

18. On or about September 21, September 28, October 2, 1953, and as a further step in these attempts to interfere with the investigation, Mr. Stevens importuned the chairman and personnel of the subcommittee not to require Major General Richard C. Partridge, Chief of Intelligence under Secretary Stevens' administration, to testify in public session concerning his responsibility for use of Communist line textbooks by the Army, and his lack of qualifications to hold the intelligence command, due to his admitted unfamiliarity with the Communist problem. A basis for these requests was that the public appearance of General Partridge would be personally embarrassing to Mr. Stevens, who had responsibility for his command. When General Partridge appeared in the subcommittee room on or about September 28, 1953, when a public session was to be held, Secretary Stevens renewed his request that General Partridge not be called.

19. After mid-September, when the chairman directed open hearings on Communist infiltration in the Army, Mr. Stevens named John G. Adams to the post of Army counselor, for the principal purpose of "handling the committee" and persuading it to cease its investigation of Communist infiltration in the Army.

20. To effect the purpose recited in paragraph 19, on or about September 25, 1953, Mr. Adams was named liaison by Mr. Stevens to the subcommittee, and Mr. Adams, in such capacity, appeared at the first open hearing on use of Communist texts by the Army, and Communist infiltration into its civilian personnel, on or about September 28, 1953.

21. From that time henceforth, and in repeated instances both personally and telephonically, Mr. Adams attempted to interfere with the investigation of Communist infiltration in the Army. Mr. Adams' early attempts to end the hearings were carried out by his using every effort to ingratiate himself personally with subcommittee personnel, and then appealing to them as a personal favor to halt hearings so that he would be secure in his new post.

22. Failing in his tactic of having the investigation halted to help him personally, Mr. Adams next attempted to cause the chairman and personnel of the subcommittee to end it on the ground that it was becoming personally embarrassing to Mr. Stevens, who was a "very nice man who shouldn't be hurt." Mr. Adams' attempt on this basis was supported by Mr. Stevens on November 6, 1953, when at a luncheon in his office, called at his request, he stated that if the facts he knew were fully developed he would have to resign as Secretary of the Army. He made an appeal for the end of hearings on the ground of his personal friendship with the chairman. Mr. Stevens was assured that there would be no effort to embarrass him personally, but that there could be no whitewash and that the investigation and hearings would continue.

23. As a part of the attempt to halt the subcommittee's investigation of Communist infiltration in the Army, Mr. Adams frequently, and Mr. Stevens on two occasions, offered up the Navy, the Air Force, and the Defense Establishment proper as substitute "targets," as follows:

24. On or about October 13, 1953, Mr. Adams suggested that the subcommittee "go after" the Navy and Air Force, and drop its probe of Communist infiltration in the Army.

25. On or about October 21, 1953, Mr. Adams renewed his suggestion that the subcommittee conduct an investigation of the Navy and Air Force, and drop the investigation of his Department.

26. On or about November 6, 1953, Mr. Stevens and Mr. Adams suggested that the Navy, Air Force, and Defense Establishment proper would be appropriate objects of an investigation, instead of their administration of the Army, and Mr. Adams offered to supply information about them.

27. On or about November 14, 1953, Mr. Adams advised that, in his opinion, the time was ripe for the investigation to turn to the Navy.

28. On or about November 17, 1953, Mr. Stevens and Mrs. Adams renewed their request that the subcommittee should investigate the Navy and Air Force.

29. On or about November 30, 1953, Mr. Adams made a specific suggestion and offer of assistance in switching the subcommittee's probe from his Department to another branch of the service.

30. On or about December 9, 1953, Mr. Adams again urged that the subcommittee begin to investigate security risks in the Air Force, and offered specific

information in return for certain information he desired to us in forestalling further investigation of his Department.

31. As a further part of Mr. Adams' attempt to impede the investigation, he sought to punish those who cooperated with the subcommittee, and to silence those who were about to cooperate.

32. From mid-October through January 1954, Mr. Adams sought on numerous occasions to secure from the chairman and subcommittee staff a promise of silence if he and Mr. Stevens "broke" General Lawton, commanding general at Fort Monmouth, and relieved him of his command.

33. On or about October 21, 1953, and on repeated occasions thereafter, Mr. Adams used every effort to discover the names of persons reporting instances of Communist infiltration to the subcommittee, stating that if he discovered any in his Department, he would "have their heads."

34. From the inception of the investigation, the chairman declared his intention of examining Army personnel responsible for the clearing, retention, and favorable treatment of Communists in the Army. He specifically stated that among those called would be members of the so-called screening board in the Secretary's office, also known as the Loyalty Security Board. One member of this Board was called by the subcommittee staff in mid-October, and examined as to his own loyalty record, and Mr. Adams was advised that after some of the cases acted upon improperly by the Board were aired publicly by the subcommittee, other members of the Board would be called. After the case of Samuel Snyder was considered by the subcommittee in public session in December, and it was determined that he had been "cleared" by the Loyalty Security Board in spite of overwhelming evidence that he was a security risk, and after the officially "cleared" Snyder invoked the fifth amendment before the subcommittee, Mr. Adams was advised that members of the Board would be called the next month, as soon as the committee staff had completed work on its interim and annual reports. Mr. Adams violently objected to any examination of the clearing of security risks. He was told that in view of information which both he and the subcommittee had that numerous persons with Communist records had been cleared by this Board, a whitewash of them was impossible. At various times in December and January he told Mr. Cohn and Mr. Carr that he "would stop at nothing" to prevent the subcommittee from going into this.

35. Early in January, and in mid-January, Mr. Adams was advised that members of the Board would be interviewed before the end of the month. When they were called for January 19—the day the staff completed work on the reports—Mr. Adams declined to produce them. He was told they would be subpoenaed.

36. The following days, Mr. Adams communicated with other members of the subcommittee, and stated that unless the chairman was prevailed upon to drop his investigation, and not to issue subpoenas for those in the loyalty setup, Mr. Adams would cause an embarrassing report to be circulated about Mr. Cohn.

37. On or about January 22, 1954, Mr. Adams made to the chairman and Mrs. McCarthy the threat that unless the investigation of the loyalty setup were halted, he would cause to be issued a report on Mr. Cohn, casting events in such a light as to attempt to embarrass the committee and its staff. The chairman told Mr. Adams that the investigation of those responsible for clearing Communists would continue despite any threat from Mr. Adams. Mr. Adams asked if the chairman would wait until Mr. Stevens returned from a trip, so that he could discuss the matter with him personally, and the chairman agreed to this, but emphasized that there would be no whitewash. When the chairman told Mr. Adams he would expose the old team which had great responsibility for Communist infiltration, Mr. Adams replied: "I am part of the old team, and the people you are threatening to expose are friends of mine."

38. Shortly thereafter, the chairman advised Mr. Cohn of Mr. Adams' latest strategy to stop the investigation. Mr. Cohn did not react to this as Mr. Adams had done to alleged "threats" made against him, by continuing and encouraging their social relationship. Mr. Cohn acted to terminate immediately his social relationship with Mr. Adams, and had only one further official contact with Mr. Adams.

39. On Lincoln's Birthday, Mr. Adams from Washington telephoned Mr. Cohn at Mr. Cohn's home in New York, to ask why Mr. Cohn had been "ducking" Mr. Adams, and to find out when they could get together. Mr. Cohn advised Mr. Adams that he had learned of the latest techniques Mr. Adams was employing to halt the investigation, and that he thought Mr. Adams had been dishonest. Mr. Adams explained that he had just had to stop the subpoenas for the Board members.

40. On or about January 27, 1954, Mr. Adams told Mr. Carr that Mr. Adams had to prevent the appearance of those connected with the loyalty procedure, and that this was one issue on which he would stop at nothing.

41. On or before February 16, 1954, Mr. Adams advised, as he had on prior occasions, that if the investigation continued, he expected to be acutely embarrassed over the Peress case, as no followup action had been taken on it by him, and he might be charged with primary responsibility for allowing an honorable discharge to issue to Peress on February 2, 1954.

42. Mr. Adams continued his entreaties that the investigation be terminated, and when he was refused, he and other Pentagon officials planned the issuance of the report as he had threatened to do.

43. On March 10, 1954, Mr. Adams was advised of six additional alleged Communists in the Army, and was asked to produce their files, and advise of their immediate whereabouts preparatory to calling them before the subcommittee.

44. On March 11, 1954, the unsigned 34-page document was released publicly.

45. This document was issued for the very purpose announced in advance by Mr. Adams—to stop the subcommittee's investigations of Communist infiltration into the Army. And it succeeded—at least temporarily. It was issued in bad faith, as established by the fact that in spite of numerous instances of actual intervention in military assignments by public officials, never before was such a report issued. For example, when a Congressman intervened to have the overseas orders of Major Irving Peress, a Communist Party functionary, canceled, no report was issued.

46. The pattern followed by Secretary Stevens and Mr. Adams is clear. As long as only individual Communists were the object of the subcommittee's investigation, they made continuing offers of cooperation with the investigation. But as soon as the probe turned to the infinitely more important question of who was responsible for protecting Communist infiltration, and protecting Communists who had infiltrated, every conceivable obstacle was placed in the path of the subcommittee's search for the truth.

An illustration of this technique is the investigation of the Army Signal Corps, where cooperation was offered in exposure of individual Communists, but where every effort was made to impede the subcommittee's attempts to examine those who had consistently cleared Communists, and had given to them a protective cover to continue in key posts and sensitive radar laboratories.

Finally, a graphic example is the case of Major Irving Peress, the Communist Party functionary who was commissioned a captain in spite of an open record of Communist Party activities, who claimed the fifth amendment on questions involving his loyalty to his country, and who in the face of this fifth amendment claim was promoted to the rank of major; and whose overseas orders were cancelled after intervention of a Congressman.

The names of those people responsible for that the Department of Defense has now conceded to have been gross mishandling of this case, to the detriment of our national security, have never been made available to the subcommittee by Secretary Stevens or Mr. Adams, despite frequent demands for such information orally and in writing by this subcommittee. Messrs. Stevens, Adams, and associates have been quick to publish and release a report calculated to smear the investigators and the exposers of Communist infiltration. But despite the lapse of months, they have yet to produce for the American public the long-promised report naming those officials still serving under them who are responsible for the rise in the Army of a Communist conspirator against this country.

Sincerely yours,

/s/ Joe McCarthy,
JOE MCCARTHY,
Chairman.

TYPOGRAPHICAL CORRECTIONS OF LETTER TO SENATOR MUNDT

Page 1, paragraph 1, line 2¹
Page 3, paragraph 4, line 12
Page 7, paragraph 13, line 11

Page 7, paragraph 13, line 14
Page 13, paragraph 28, line 1
Page 18, last paragraph, line 1

Insert "staff" after subcommittee
Change "step" to "set"
Delete "our refusal to have" and substitute "objections to having"
Change "of" to "against"
Change "Mrs." to "Mr."
Change "that" to "what"

¹ Refers to mimeographed copy.





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